TITLE 31—MONEY AND FINANCE

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CHAPTER 1—THE NATIONAL BUDGET AND AUDIT SYSTEM

SUBCHAPTER II—THE BUDGET

Sec.
27. Federal budget ceiling [New].

SUBCHAPTER III—GENERAL ACCOUNTING OFFICE

43c. Increase of annuities [New].

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 244, 665, 848, 852, 1156 of this title; title 7 sections 934, 1932; title 19 sections 2232, 2582; title 42 sections 1487, 1962b-6, 8107; title 48 sections 1469b, 1683.

SUBCHAPTER I—DEFINITIONS

§ 1. Short title

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95-512, § 1, Oct. 25, 1978, 92 Stat. 1799, provided: "That this Act [enacting section 43c of this title and amending sections 43 and 43b of this title] may be cited as the 'Comptroller General Annuity Adjustment Act of 1978'."

SUBCHAPTER II—THE BUDGET

§ 11. President to transmit Budget to Congress

(a) Contents

The President shall transmit to Congress during the first fifteen days of each regular session, the Budget, which shall set forth his Budget message, summary data and text, and supporting detail. The Budget shall set forth in such form and detail as the President may determine—

[*See main edition for text of (1)*]

(2) at such times as may be practicable, information on program costs and accomplishments;

[*See main edition for text of (3) to (5)*]

(6) estimated receipts of the Government during the ensuing fiscal year and projections for the four fiscal years immediately following the ensuing fiscal year, under (1) laws existing at the time the Budget is transmitted and also (2) under the revenue proposals, if any, contained in the Budget;

[*See main edition for text of (7) to (13); (b) to (h)*]

(i) National needs, agency missions, and basic programs

The Budget transmitted pursuant to subsection (a) of this section for each fiscal year, beginning with the fiscal year ending September 30, 1979, shall contain a presentation of budget authority, proposed budget authority, outlays, proposed outlays, and descriptive information in terms of—

(1) a detailed structure of national needs which shall be used to reference all agency missions and programs;

(2) agency missions; and

(3) basic programs.

To the extent practicable, each agency shall furnish information in support of its budget requests in accordance with its assigned missions in terms of Federal functions and subfunctions, including mission responsibilities of component organizations, and shall relate its programs to agency missions.

[*See main edition for text of (j); credits*]

CODIFICATION

Subsec. (a)(2) and (6) is set out in this supplement to correct typographical errors appearing in the main edition.

Subsec. (i) of this section is set out in this supplement to execute the addition of subsec. (i) of this section by section 601 of Pub. L. 93-344, effective with respect to the fiscal year beginning on Oct. 1, 1978, and succeeding fiscal years.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment of subsec. (a) by Pub. L. 93-344 applicable with respect to the fiscal year beginning on July 1, 1975, and succeeding fiscal years, amendment of subsecs. (b) and (c) by Pub. L. 93-344 applicable with respect to the fiscal year beginning on Oct. 1, 1976, and succeeding fiscal years, enactment of subsecs. (d), (e), and (f) by Pub. L. 93-344 applicable with respect to the fiscal year beginning on July 1, 1975, and succeeding fiscal years, enactment of subsec. (g) by Pub. L. 93-344 applicable with respect to the fiscal year beginning on Oct. 1, 1976, and succeeding fiscal years, enactment of subsec. (h) by Pub. L. 93-344 applicable with respect to the fiscal year beginning on July 1, 1975, and succeeding fiscal years, and enactment of subsec. (i) by Pub. L. 93-344 applicable with respect to the fiscal year beginning on Oct. 1, 1978, and succeeding fiscal years, see section 905(d) of Pub. L. 93-344, set out as an Effective Date note under section 1301 of this title.

ALTERNATE BUDGET PROPOSALS FOR FISCAL YEARS 1981 AND 1982; PRESIDENTIAL PROPOSALS FOR ALTERNATE NON-DEFICIT BUDGETS IF PRESIDENTIAL BUDGET WILL RESULT IN DEFICIT

Pub. L. 96-5, § 6, Apr. 2, 1979, 93 Stat. 8, provided that:

"(a) If a budget which is transmitted by the President to the Congress under section 201 of the Budget and Accounting Act, 1921 [this section], would, if adopted, result in a deficit in fiscal year 1981 or in fiscal year 1982, the President shall also transmit alternate budget proposals which, if adopted, would not result in a deficit.

"(b) Such alternate budget proposals shall be transmitted with the budget and, except as provided in subsection (c), shall be in such detail as the President determines necessary to carry out the purposes of this section.

"(c) Alternate budget proposals for a fiscal year transmitted under subsection (a) shall include a clear and understandable explanation of specific differences between the budget and alternate budget proposals."

SEPARATE APPROPRIATION ACCOUNTS FOR MINE HEALTH AND SAFETY AND FOR OCCUPATIONAL SAFETY AND HEALTH

Pub. L. 95-164, title III, § 305, Nov. 9, 1977, 91 Stat. 1322, provided that: "In the preparation of the Budget message required under section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), the President shall set forth as separate appropriation accounts amounts required for appropriation for mine health and safety pursuant to the Federal Mine Safety and Health Act of 1977 [section 801 et seq. of Title 30, Mineral Lands and Mining] and for occupational safety and health pursuant to the Occupational Safety and Health Act of 1970 [section 651 et seq. of Title 29, Labor]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2, 11a, 11b, 11d, 24 of this title; title 2 section 358; title 5 section 1205; title 10 sections 139, 2212; title 20 section 241-1; title 21 section 1002; title 39 section 2009.

§ 16. Office of Management and Budget; Director and Deputy Director; duties; preparation of Budget, etc.

ABOLITION OF DOMESTIC COUNCIL

The Domestic Council, established by Reorg. Plan No. 2 of 1970, § 201, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2086, set out under this section in the main edition, was abolished by Reorg. Plan No. 1 of 1977, § 3, 42 F.R. 56101, 91 Stat. 1633, set out in the Appendix to Title 5, Government Organization and Employees, effective on or before Apr. 1, 1978, at such time as specified by the President. Section 5D of Reorg. Plan No. 1 of 1977 transferred all functions vested in the Domestic Council to the President with power to delegate the performance of such transferred functions within the Executive Office of the President.

EX. ORD. NO. 11541. PRESCRIBING DUTIES OF OFFICE OF MANAGEMENT AND BUDGET AND DOMESTIC COUNCIL

Ex. Ord. No. 11541, July 1, 1970, 35 F.R. 10737, as amended by Ex. Ord. No. 12013, Oct. 7, 1977, 42 F.R. 54931; Ex. Ord. No. 12027, Dec. 5, 1977, 42 F.R. 61851; Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States, including section 301 of Title 3 of the United States Code [section 301 of Title 3, The President], and pursuant to Reorganization Plan No. 2 of 1970 (hereinafter referred to as "the Plan") [set out as a note under this section], it is ordered as follows:

SECTION 1. (a) All functions transferred to the President of the United States by Part I of the Plan (including the function vested by section 102(f) of designating the officials of the Office of Management and Budget who shall act as Director during the absence or disability of the Deputy Director or in the event of a vacancy in the office of Deputy Director) are hereby delegated to the Director of the Office of Management and Budget in the Executive Office of the President. Such functions shall be carried out by the Director under the direction of the President and pursuant to such further instructions as the President from time to time may issue.

[See main edition for text of (b)]

(c) The delegation to the Director of the Office of Management and Budget, pursuant to subsection (a) of this Section, of the functions vested in the Director of the Bureau of the Budget by Section 103 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 18b) and subsequently transferred to the President by Part I of Reorganization Plan No. 2 of 1970 (5 U.S.C. App.), is terminated on October 9, 1977.

(d) The delegation to the Director of the Office of Management and Budget of the following executive development and personnel functions (which have been transferred to the Office of Personnel Management) is terminated on December 4, 1977:

(1) Providing overall Executive Branch leadership, regulation, and guidance in executive personnel selection, development and management.

(2) Studying and reporting on issues relating to position classification and the compensation of Federal civilian employees, including linkages among pay systems, and providing reports on average grade levels, work-years and personnel costs of Federal civilian employees.

(3) Providing primary Executive Branch leadership in (i) developing and reviewing a program of policy guidance to departments and agencies for the organization of management responsibility under the Federal Labor Relations program; and (ii) monitoring issues and trends in labor management relations for referral to appropriate Executive Branch officials including the Federal Labor Relations Council.

[See main edition for text of Secs. 2 and 3]

EXECUTIVE ORDER NO. 11647

Ex. Ord. No. 11647, Feb. 10, 1972, 37 F.R. 3167, as amended by Ex. Ord. No. 11731, July 23, 1973, 38 F.R. 19903; Ex. Ord. No. 11892, Dec. 31, 1975, 41 F.R. 751; Ex. Ord. No. 12038, Feb. 3, 1978, 43 F.R. 4957, set out as a note under this section, which established Federal Regional Councils, was revoked by section 1-307 of Ex. Ord. No. 12149, July 20, 1979, 44 F.R. 43248, set out as a note below.

EX. ORD. NO. 12013. TRANSFER OF CERTAIN STATISTICAL POLICY FUNCTIONS; ESTABLISHMENT OF STATISTICAL POLICY COORDINATION COMMITTEE

Ex. Ord. No. 12013, Oct. 7, 1977, 42 F.R. 54931, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Reorganization Plan No. 2 of 1970 (5 U.S.C. App.), Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, in order to transfer certain functions from the Director of the Office of Management and Budget to the Secretary of Commerce and for other purposes, it is hereby ordered as follows:

SECTION 1. Section 1 of Executive Order No. 11541 of July 1, 1970 [set out as a note above], is amended by adding thereto the following new subsection:

"(c) The delegation to the Director of the Office of Management and Budget, pursuant to subsection (a) of this Section, of the functions vested in the Director of the Bureau of the Budget by Section 103 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 18b) and subsequently transferred to the President by Part I of Reorganization Plan No. 2 of 1970 (5 U.S.C. App.), is terminated on October 9, 1977.".

SEC. 2. Executive Order No. 10253 of June 11, 1951 [set out as a note under section 18b of this title], is amended as follows:

(a) "Director of the Bureau of the Budget" is deleted in Section 1 and "Secretary of Commerce" is substituted.

(b) "Director" is deleted wherever it appears in Sections 1, 2, 4, 5, and 6 and "Secretary" is substituted therefor.

(c) "Bureau of the Budget" is deleted in Section 6 and "Department of Commerce" is substituted.

(d) A new Section 8 is added as follows:

"Sec. 8. The performance of the functions vested in the Secretary by this Order shall be subject to any authority or responsibility vested in the Director of the Office of Management and Budget, including Chapter 35 of Title 44 of the United States Code (the Federal Reports Act).".

SEC. 3. Executive Order No. 10033, as amended [set out as a note under section 286f of Title 22, Foreign Relations and Intercourse], is further amended as follows:

(a) "Director of the Bureau of the Budget" is deleted in Section 1 and "Secretary of Commerce" is substituted.

(b) "Director" is deleted wherever it appears in Sections 1, 2(a), 2(b), 2(c), 3, 4, and 5 and "Secretary" is substituted therefor.

(c) A new Section 7 is added as follows:

"Sec. 7. The performance of the functions vested in the Secretary by this Order shall be subject to any authority or responsibility vested in the Director of the Office of Management and Budget, including Chapter 35 of Title 44 of the United States Code (the Federal Reports Act).".

SEC. 4. Section 4 of Executive Order No. 11961 of January 19, 1977 [set out as a note under section 3101 of Title 22, Foreign Relations and Intercourse], is amended by deleting—

"the Council on International Economic Policy shall perform the function of making periodic reports to the Committees of the Congress as set forth in Section 4(a)(3) of the Act" [section 3101(a)(3) of Title 22]

and substituting therefor—

"the Secretary of Commerce shall perform the functions set forth in Sections 4(a)(3) and (5)(c) of the Act" [sections 3103(a)(3) and 3104(e) of Title 22].

SEC. 5. The records, property, personnel, and unexpended balances of appropriations, available or to be made available, which relate to the functions transferred or reassigned from the Director of the Office of Management and Budget to the Secretary of Commerce by the delegations made in this Order, are hereby transferred to the Secretary of Commerce.

SEC. 6. The Director of the Office of Management and Budget shall make such determinations, issue such orders, and take all steps necessary or appropriate to ensure or effectuate the transfers or reassignments provided by this Order, including the transfer of funds, records, property, and personnel.

SEC. 7. The Secretary of Commerce shall provide advice to the Director of the Office of Management and Budget with respect to the review and preparation of that portion of the annual Budget of the U.S. Government dealing with the gathering, interpreting, and disseminating of statistics and statistical information.

SEC. 8. (a) There is hereby established the Statistical Policy Coordination Committee, hereinafter referred to as the Committee, which shall be composed of the following members, and such other heads of Executive agencies as the President may designate:

(1) The Secretary of Commerce, who shall be the Chairman.

(2) The Secretary of State.

(3) The Secretary of the Treasury.

(4) The Secretary of Defense.

(5) The Attorney General.

(6) The Secretary of the Interior.

(7) The Secretary of Agriculture.

(8) The Secretary of Labor.

(9) The Secretary of Health, Education, and Welfare.

(10) The Secretary of Housing and Urban Development.

(11) The Secretary of Transportation.

(12) The Secretary of Energy.

(13) The Chairman, Council of Economic Advisers.

(14) The Director of the Office of Management and Budget.

(15) The Chairman, Board of Governors of the Federal Reserve System is invited to be a member.

(b) The Chairman may designate any other member to act as Chairman during the absence of the Chairman. Each member of the Committee may designate an alternate to serve whenever the regular member is unable to attend any meeting. The Chairman may invite the heads of other Executive agencies or their alternates to participate in Committee deliberations whenever matters which affect the interests of such agencies are to be considered.

(c) The Committee shall advise and assist the President with respect to the improvement, development, and coordination of Federal and other statistical services, and shall perform such other related duties as the President may prescribe.

(d) The Secretary of Commerce, to the extent permitted by law, shall provide such administrative support and such funds as may be necessary to support the functions of the Committee.

(e) Executive agencies shall, to the extent permitted by law, provide such information and assistance as the Committee or the Chairman may request to assist in carrying out the functions of the Committee.

SEC. 9. Any rules, regulations, orders, directives, circulars, or other actions taken pursuant to the functions transferred or reassigned from the Director of the Office of Management and Budget to the Secretary of Commerce by the delegations made in this Order, shall remain in effect until amended, modified, or revoked pursuant to the delegations made in this Order.

SEC. 10. This Order shall be effective October 9, 1977.

JIMMY CARTER.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the two-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

EX. ORD. NO. 12027. TRANSFER OF CERTAIN EXECUTIVE DEVELOPMENT AND OTHER PERSONNEL FUNCTIONS

Ex. Ord. No. 12027, Dec. 5, 1977, 42 F.R. 61851, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Reorganization Plan No. 2 of 1970 (5 U.S.C. App.), Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, in order to transfer certain functions from the Director of the Office of Management and Budget to the Office of Personnel Management, it is hereby ordered as follows:

SECTION 1. The following functions which heretofore have been performed by the Director of the Office of Management and Budget, either alone or in conjunction with the Office of Personnel Management, are hereby reassigned and delegated to the Office of Personnel Management:

(a) Providing overall Executive Branch leadership, regulation, and guidance in executive personnel selection, development, and management including:

(1) Devising and establishing programs and encouraging agencies to devise and establish programs to forecast the need for career executive talent and to select, train, develop, motivate, deploy and evaluate the men and women who make up the top ranks of Federal civil service;

(2) Initiating and leading efforts to ensure that potential executive talent is identified, developed and well utilized throughout the Executive Branch and;

(3) Ensuring that executive training and motivation meet current and future needs.

(b) Studying and reporting on issues relating to position classification and the compensation of Federal civilian employees, including linkages among pay systems, and providing reports on average grade levels, work-years and personnel costs of Federal civilian employees.

(c) Providing primary Executive Branch leadership in (1) developing and reviewing a program of policy guidance to departments and agencies for the organization of management's responsibility under the Federal Labor Relations program; and (2) monitoring issues and trends in labor management relations for referral to appropriate Executive Branch officials including the Federal Labor Relations Council.

SEC. 2. Section 1 of Executive Order No. 11541, as amended [set out as a note above], is further amended by adding thereto the following new subsection:

"(d) The delegation to the Director of the Office of Management and Budget of the following executive development and personnel functions (which have been transferred to the Office of Personnel Management) is terminated on December 4, 1977:

(1) Providing overall Executive Branch leadership, regulation, and guidance in executive personnel selection, development and management.

(2) Studying and reporting on issues relating to position classification and the compensation of Federal civilian employees, including linkages among pay systems, and providing reports on average grade levels, work-years and personnel costs of Federal civilian employees.

(3) Providing primary Executive Branch leadership in (i) developing and reviewing a program of policy guidance to departments and agencies for the organization of management responsibility under the Federal Labor Relations program; and (ii) monitoring issues and trends in labor management relations for referral to appropriate Executive Branch officials including the Federal Labor Relations Council.".

SEC. 3. Executive Order No. 11491, as amended [set out as a note under section 7101 of Title 5, Government Organization and Employees], is further amended by amending Section 25(a) to read as follows:

"The Office of Personnel Management, in conjunction with the Director of the Office of Management and Budget, shall establish and maintain a program for the policy guidance of agencies on labor-management relations in the Federal service and shall periodically review the implementation of these policies. The Office of Personnel Management shall be responsible for the day-to-day policy guidance under that program. The Office of Personnel Management also shall continuously review the operation of the Federal labor-management relations program to assist in assuring adherence to its provisions and merit system requirements; implement technical advice and information programs for the agencies; assist in the development of programs for training agency personnel and management officials in labor-management relations; and, from time to time, report to the Council on the state of the program with any recommendations for its improvement.".

SEC. 4. Section 5(a) of Executive Order No. 11636 of December 17, 1971 [set out as a note under section 801 of Title 22, Foreign Relations and Intercourse], establishing an Employee-Management Relations Commission as a committee of the Board of the Foreign Service, is amended by deleting: "The representative of the Office of Management and Budget shall be the Chairman of the Commission" and substituting therefor "The representative of the Office of Personnel Management shall be the Chairman of the Commission".

SEC. 5. The records, property, personnel, and unexpended balances of appropriations, available or to be made available, which relate to the functions transferred or reassigned by this Order from the Office of Management and Budget to the Office of Personnel Management, are hereby transferred to the Office of Personnel Management.

SEC. 6. The Director of the Office of Management and Budget shall make such determinations, issue such orders, and take all actions necessary or appropriate to effectuate the transfers or reassignments provided by this Order, including the transfer of funds, records, property, and personnel.

SEC. 7. This Order shall be effective December 4, 1977.

JIMMY CARTER.

EX. ORD. NO. 12074. URBAN AND COMMUNITY IMPACT ANALYSES

Ex. Ord. No. 12074, Aug. 16, 1978, 43 F.R. 36875, provided:

By the authority vested in me as President by the Constitution of the United States of America, and in order to establish an internal management procedure for identifying aspects of proposed Federal policies that may adversely impact cities, counties, and other communities, it is hereby ordered as follows:

1-1. URBAN AND COMMUNITY IMPACT ANALYSES

1-101. The Director of the Office of Management and Budget shall: (a) develop criteria for identifying major policy proposals to be analyzed; (b) formulate standards regarding the content and format of impact analyses; and (c) establish procedures for the submission and review of such analyses.

1-102. The Director of the Office of Management and Budget and the Assistant to the President for Domestic Affairs and Policy shall review the analyses.

1-2. AGENCY RESPONSIBILITIES

1-201. Executive agencies shall prepare urban and community impact analyses for major policy initiatives identified by the Office of Management and Budget, the Assistant to the President for Domestic Affairs and Policy, or the agencies themselves.

1-202. Each Executive agency shall, to the extent permitted by law, cooperate with the Director of the Office of Management and Budget and the Assistant to the President for Domestic Affairs and Policy in the performance of their functions under this Order, furnish them with the information they request, and comply with the procedures prescribed pursuant to this Order.

JIMMY CARTER.

EX. ORD. NO. 12149. FEDERAL REGIONAL COUNCILS

Ex. Ord. No. 12149, July 20, 1979, 44 F.R. 43247, provided:

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to provide a structure for interagency and intergovernmental cooperation, it is hereby ordered as follows:

1-1. ESTABLISHMENT OF FEDERAL REGIONAL COUNCILS

1-101. There is hereby continued a Federal Regional Council for each of the ten standard Federal regions (Office of Management and Budget Circular No. A-105).

1-102. Each Council shall be composed of a representative designated by the head of each of the following agencies:

(a) The Department of the Interior.

(b) The Department of Agriculture.

(c) The Department of Commerce.

(d) The Department of Labor.
(e) The Department of Health, Education, and Welfare.
(f) The Department of Housing and Urban Development.
(g) The Department of Transportation.
(h) The Department of Energy.
(i) The Environmental Protection Agency.
(j) The Community Services Administration.
(k) The Office of Personnel Management.
(l) The General Services Administration.
(m) ACTION.
(n) The Small Business Administration.
(o) The Federal Emergency Management Agency.
(p) The U.S. Army Corps of Engineers.
(q) The Regional Action Planning Commissions.

1-103. The President shall designate one member of each Council to be Chairman. The Chairman may convene an Executive Committee to carry out specific initiatives of the Council.

1-104. Each member of each Council shall be a principal official in the region at the Administrator, Director, Secretarial Representative, or equivalent level. For the Regional Action Planning Commissions (established pursuant to Title V of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3181 et seq.)) the Federal cochairman shall serve as the Council member. Representatives of the Office of Management and Budget shall participate in the deliberations of each Council.

1-105. Each member of each Council shall designate an alternate to serve whenever the regular member is unable to attend any meeting of the Council. The alternate shall be a principal official in the Region at the deputy or equivalent level, or the head of an operating unit of the agency.

1-106. When a Chairman determines that matters which significantly affect the interests of agencies which are not represented on the Council are to be considered by that Council, the Chairman shall request the regional director or other appropriate representative of the affected agency to participate in the deliberations of the Council.

1-2. Federal Regional Council Functions

1-201. The Federal Regional Council, as the major interagency mechanism in the field, shall ensure that Federal programs are implemented in a manner which is consistent with overall Government policy, and shall be responsive to State, tribal, regional, and local government concerns.

1-202. Each Council shall develop a mechanism for sharing information about major agency decisions or actions among agencies in the field, and shall ensure a timely and consistent Federal response to State, tribal, regional, and local concerns or inquiries about such actions.

1-203. Each Council shall establish practical and appropriate liaison functions with State, tribal, regional, and local officials, and shall implement regular procedures to inform elected officials about Government policies and initiatives.

1-204. Each Council shall attempt to identify significant problems with Federal policies and actions and, if such problems cannot be resolved in the Region, refer such problems to the appropriate agencies and the Interagency Coordinating Council.

1-3. General Provisions

1-301. The Interagency Coordinating Council, in conjunction with the Office of Management and Budget shall, consistent with the objectives and priorities established by the President, establish policy with respect to Federal Regional Council matters, provide guidance to the Councils, respond to their initiatives and seek to resolve policy issues referred to it by the Councils. The Interagency Coordinating Council shall also provide policy guidance to the Federal Cochairmen of the Regional Action Planning Commissions on intergovernmental matters pertaining to activities undertaken by the Federal Regional Councils.

1-302. The Office of Management and Budget shall provide direction for and oversight of the implementation by the Councils of Federal management improvement actions and of Federal aid reforms.

1-303. Each Agency represented on a Council shall provide, to the extent permitted by law, appropriate staff for common or joint interagency task forces as requested by the Federal Regional Council Chairman or by the Interagency Coordinating Council.

1-304. Each Council member shall be provided administrative support by the member's agency.

1-305. Administrative support required by the Council shall be provided by the Chairman's agency.

1-306. The Federal Regional Councils are encouraged to work with Federal Executive Boards, Federal Executive Associations, River Basin Commissions, Regional Councils of Government, and other similar organizations in the Region.

1-307. Executive Order No. 11647, as amended, is revoked.

Jimmy Carter.

§ 18. Detailed study of departments and establishments

Study on Decentralization of Governmental Functions

Pub. L. 95–454, title IX, § 901, Oct. 13, 1978, 92 Stat. 1223, provided that:

"(a) As soon as practicable after the effective date of this Act [90 days after Oct. 13, 1978], the Director of the Office of Management and Budget shall conduct a detailed study concerning the decentralization of Federal governmental functions.

"(b) The study to be conducted under subsection (a) of this section shall include—

"(1) a review of the existing geographical distribution of Federal governmental functions throughout the United States, including the extent to which such functions are concentrated in the District of Columbia; and

"(2) a review of the possibilities of distributing some of the functions of the various Federal agencies currently concentrated in the District of Columbia to field offices located at points throughout the United States.

Interested parties, including heads of agencies, other Federal employees, and Federal employee organizations, shall be allowed to submit views, arguments, and data in connection with such study.

"(c) Upon completion of the study under subsection (a) of this section, and in any event not later than one year after the effective date of this Act [90 days after Oct. 13, 1978], the Director of the Office of Management and Budget shall submit to the President and to the Congress a report on the results of such study together with his recommendations. Any recommendation which involves the amending of existing statutes shall include draft legislation."

§ 18b. Development of programs for preparing statistical information by executive agencies

Ex. Ord. No. 10253. Provisions for Improvement of Work of Federal Executive Agencies With Respect to Statistical Information

Ex. Ord. No. 10253, June 11, 1951, 16 F.R. 5605, as amended by Ex. Ord. No. 12013, Oct. 7, 1977, 42 F.R. 54931, provided:

Section 1. The Secretary of Commerce (hereinafter referred to as the Secretary) shall develop programs, and issue regulations and orders, for the improved gathering, compiling, analyzing, publishing, and disseminating of statistical information for any purpose by the various agencies in the executive branch of the Federal Government.

Sec. 2. In order to carry out the provisions of Section 1 of this order, the Secretary shall maintain a continu-

ing study for the improvement of the statistical work of the agencies in the executive branch of the Federal Government with a view to obtaining the maximum benefit from the funds and facilities available for such work, giving due consideration to the constantly changing character of the various needs for statistical information both within and without the Government and, where the statistical work is primarily concerned with operating programs, giving due consideration to administrative needs, statutory requirements, and the needs involved in the development of administrative and legislative recommendations. The Secretary, either upon his own initiative or upon the request of any such agency, shall (a) provide for the interchange of information calculated to improve statistical work, (b) make appropriate arrangements for improving statistical work involving relationships between two or more agencies, and (c) assist the agencies, by other means, to improve their statistical work.

[*See main edition for text of Sec. 3*]

SEC. 4. Regulations and orders issued pursuant to Section 1 hereof shall be signed by the Secretary. When so signed, such regulations and orders shall require no further approval and shall be adhered to by all agencies in the executive branch. Any such regulation or order may pertain to a single agency, a group of agencies, or all agencies in the executive branch.

SEC. 5. In the development of programs and the preparation of regulations and orders for issuance pursuant to Section 1 hereof, the Secretary shall consult Federal agencies whose activities will be substantially affected, and may consult non-Federal groups to the extent he finds it necessary to carry out the purposes of this order.

SEC. 6. The authority outlined in this order is in addition to and not in substitution for the existing authority of the Secretary, or of the Department of Commerce, with respect to statistical and reporting activities. To the extent, however, that this order conflicts with any previous Executive order affecting statistical or reporting activities, the provisions of this order shall control.

[*See main edition for text of Sec. 7*]

SEC. 8. The performance of the functions vested in the Secretary by this Order shall be subject to any authority or responsibility vested in the Director of the Office of Management and Budget, including Chapter 35 of Title 44 of the United States Code (the Federal Reports Act).

§ 21. Information for Office of Management and Budget by departments and establishments; access to books, papers, etc., thereof

EXECUTIVE ORDER NO. 9384

Ex. Ord. No. 9384, Oct. 4, 1943, 8 F.R. 13782, which related to the submission of reports to facilitate budgeting activities of the Federal Government, was revoked by Ex. Ord. No. 12113, § 1-109 Jan. 4, 1979, 44 F.R. 1955, set out as a note under section 1962 of Title 42, The Public Health and Welfare.

§ 25. Preparation of horizontal budget for Congress showing totality of programs for meteorology and National Climate Program, aspects of programs and funding, and estimated goals and financial requirements

The Office of Management and Budget shall provide the Congress, in connection with the budget presentation for fiscal year 1964 and each succeeding year thereafter, a horizontal budget showing (a) the totality of the programs for meteorology and of the National Climate Program established under the National Climate Program Act [15 U.S.C. 2901 et seq.], (b) the specific aspects of the programs and funding assigned to each agency, and (c) the estimated goals and financial requirements.

(As amended Pub. L. 95-367, § 5(g)(2), Sept. 17, 1978, 92 Stat. 603.)

REFERENCES IN TEXT

The National Climate Program Act, referred to in text, is Pub. L. 95-367, Sept. 17, 1978, 92 Stat. 601, which is classified principally to chapter 56 (§ 2901 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 2901 of Title 15 and Tables.

AMENDMENTS

1978—Pub. L. 95-367 added provisions relating to applicability to the National Climate Program established under the National Climate Program Act.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 5(g)(2) of Pub. L. 95-367 provided in part that the amendment by Pub. L. 95-367 is applicable with respect to budgets submitted for fiscal years beginning 6 months or more after Sept. 17, 1978.

§ 27. Federal budget ceiling

Beginning with fiscal year 1981, the total budget outlays of the Federal Government shall not exceed its receipts.

(Pub. L. 95-435, § 7, Oct. 10, 1978, 92 Stat. 1053.)

CODIFICATION

This section was not enacted as part of act June 10, 1921, ch. 18, 42 Stat. 20, known as the Budget and Accounting Act, 1921, which comprises this chapter.

SUBCHAPTER III—GENERAL ACCOUNTING OFFICE

§ 43. Terms of office of Comptroller and Deputy Comptroller General; removal from office; retirement

[*See main edition for text of first par.*]

Any Comptroller General who shall be so retired for age after serving at least ten years in his office, or who completes his term, shall receive an annuity during the remainder of his life equal to the salary payable for his office at the time of retirement or completion of term, except that the annuity of any Comptroller General who completes his term shall be reduced by one-fourth of 1 per centum for each full month he is under the age of sixty-five at such completion. Any Comptroller General who becomes permanently disabled from performing his duties shall be retired and shall receive an annuity during the remainder of his life equal to the salary payable for his office at the time of retirement if he has served at least ten years therein or equal to one-half of such salary if he has served less than ten years. The annuities provided for herein shall be paid by the General Accounting Office. There shall be deducted from the salary of any person appointed to the Office of the Comptroller General after October 25, 1978, as a contribution to the annuity authorized by this paragraph (1) a sum equal to 3½ per centum of his salary, in the case of a Comptroller General who has elected survivor benefits under section 43b of this title, or (2) a

sum equal to 8 per centum of his salary, in the case of a Comptroller General who has not elected such survivor benefits. No person receiving benefits under this chapter and sections 71, 471, 581, and 581a of this title shall receive any other retirement benefits under any other law of the United States.

Notwithstanding the preceding paragraph of this section, any person appointed to the Office of Comptroller General after January 1, 1966, and who at the time of his appointment is or has been subject to the provisions of subchapter III of chapter 83 of title 5, shall be subject to all of the provisions of subchapter III of chapter 83 of title 5, and no deduction from his salary shall be made under the preceding paragraph, unless he shall in writing elect to be subject to the provisions of the preceding paragraph of this section. Such election may be made at any time, but not later than sixty days after the expiration of the first ten years of service as Comptroller General, and shall be irrevocable. Any Comptroller General making such an election under this paragraph shall be entitled to a refund of the lump-sum credit to his account in the Civil Service retirement and disability fund, but shall receive no benefits under subchapter III of chapter 83 of title 5. Any person who is appointed to the Office of Comptroller General after October 25, 1978, and who makes such an election under this paragraph shall deposit with the General Accounting Office for covering into the general fund of the Treasury as miscellaneous receipts as a contribution to the annuity authorized under the preceding paragraph (1) a sum equal to 3½ per centum, in the case of a Comptroller General who has elected survivor benefits under section 43b of this title, or (2) 8 per centum, in the case of a Comptroller General who has not elected such benefits, of the salary received by him as Comptroller General prior to the date current deductions begin from his salary, plus interest thereon at the rate of 3 per centum per annum compounded on December 31 of each year.

Any Comptroller General who is separated from office prior to becoming eligible to receive an annuity under the second paragraph shall be entitled to a lump-sum refund of the total amount deducted from his salary in accordance with the provisions of such paragraph or deposited by him as a contribution to his annuity in accordance with the provisions of the preceding paragraph, plus interest thereon at the rate of 3 per centum per annum compounded on December 31 of each year. The lump-sum refund authorized by this paragraph shall be paid to the Comptroller General or to his survivors in the order of precedence of such survivors established in section 43b(j) of this title for survivor benefits.

(As amended Oct. 25, 1978, Pub. L. 95-512, § 4, 92 Stat. 1800.)

AMENDMENTS

1978—Pub. L. 95-512 provided for a deduction from the salary of any person appointed to the Office of the Comptroller General after Oct. 25, 1978, as a contribution to the annuity authorized by this section, provided that any person electing to be subject to the provisions of this section rather than the Civil Service Retirement Act deposit with the General Accounting Office a percentage of the salary received by him as Comptroller General prior to the date that current deductions began from his salary as a contribution to the annuity authorized by this section, provided for lump-sum refund of salary deductions or amounts deposited as a contribution to his annuity to any Comptroller General separated from office prior to becoming eligible to receive an annuity, and added "and no deduction from his salary shall be made under the preceding paragraph," following "that Act,".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 43b, 43c of this title.

§ 43b. Survivorship benefits of widows and dependent children of Comptrollers General

[*See main edition for text of* (a)]

(b) Deductions from salary and retirement pay

There shall be deducted from the salary and retirement pay of any Comptroller General or retired Comptroller General making an election to receive survivorship benefits a sum equal to 4½ per centum of his salary and retirement pay.

(c) Deposits; interest; effective date

Each Comptroller General, or retired Comptroller General, making an election to receive survivorship benefits, shall deposit with the General Accounting Office for covering into the general fund of the Treasury as miscellaneous receipts a sum equal to 4½ per centum of his salary and retirement pay received by him as Comptroller General prior to the date current deductions begin from his salary and retirement pay, and of his basic salary, pay, or compensation for service as a Senator, Representative, Delegate, or Resident Commissioner in the Congress of the United States and for any other civilian service which may form the basis of a widow's annuity as provided in subsection (n) of this section, with interest thereon at the rate of 4 per centum per annum to December 31, 1947, and 4½ per centum per annum, thereafter, compounded on December 31 of each year. The current deductions from salary or retirement pay shall be regarded as effective as of the date the election of reduced salary and retirement pay for purposes of survivorship benefits is made.

[*See main edition for text of* (d)]

(e) Commencement and amount of annuities

In case any Comptroller General or retired Comptroller General who has elected to bring himself within the purview of this section shall die while in office, or die while in receipt of retirement pay in accordance with section 43 of this title, after having rendered at least five years of civilian service computed as prescribed in subsections (n) and (o) of this section, for the last five years of which the salary deductions provided for by subsection (b) of this section or the deposits required by subsection (c) of this section have actually been made—

[*See main edition for text of* (1)]

(2) if such Comptroller General or retired Comptroller General is survived by a widow

and a dependent child or children, there shall be paid to such widow an immediate annuity in an amount computed as provided in subsection (n) of this section, and there shall also be paid to or on behalf of each such child an immediate annuity equal to (A) $1,548, or (B) $4,644 divided by the number of children, whichever is lesser; or

(3) if such Comptroller General or retired Comptroller General leaves no surviving widow but leaves a surviving dependent child or children, there shall be paid to or on behalf of each such child an immediate annuity equal to (A) the amount of the annuity to which such widow would have been entitled under paragraph (2) of this subsection had she survived, divided by the number of children, or (B) $1,860, or (C) $5,580, divided by the number of children, whichever is the lesser.

[See main edition for text of (f) to (m)]

(n) Computation of annuities

The annuity of a widow of a Comptroller General or retired Comptroller General who has elected to bring himself within the purview of this section shall be an amount equal to the sum of (1) 1¼ per centum of the average annual salary received by him for service as Comptroller General and any other prior allowable service during the three years of service in which his annual salary was greatest multiplied by the sum of his years of service as Comptroller General, his years of service as a Senator, Representative, Delegate, or Resident Commissioner in the Congress of the United States, his years of prior allowable military service and his years, not exceeding fifteen, of prior allowable service as a congressional employee and (2) three-quarters of 1 per centum of such average annual salary multiplied by his years of any other allowable service, but such annuity shall not exceed 40 per centum of such average annual salary and shall be further reduced in accordance with subsection (d) of this section if applicable.

[See main edition for text of (o) to (r)]

(As amended Oct. 25, 1978, Pub. L. 95-512, § 2, 92 Stat. 1799.)

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-512, § 2(1), substituted "4½ per centum" for "3 per centum".

Subsec. (c). Pub. L. 95-512, § 2(1), substituted "4½ per centum" for "3 per centum" in two places.

Subsec. (e)(2). Pub. L. 95-512, § 2(2), substituted "(A) $1,548, or (B) $4,644 divided by the number of children" for "one-half the amount of the annuity of such widow, but not to exceed $900 per year divided by the number of children or $360 per year".

Subsec. (e)(3). Pub. L. 95-512, § 2(3), substituted "equal to (A) the amount" for "equal to the amount" and "survived, divided by the number of children, or (B) $1,860, or (C) $5,580, divided by the number of children, whichever is the lesser" for "survived, but not to exceed $480 per year".

Subsec. (n). Pub. L. 95-512, § 2(4), substituted "the three years of service in which his annual salary was greatest" for "the last five years of such service" and "40 per centum" for "37½ per centum".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 43, 43c of this title.

§ 43c. Increase of annuities

(a) Except as provided in subsection (b) of this section, the annuities authorized by sections 43 and 43b of this title shall be increased as follows:

(1) The Comptroller General shall—

(A) on January 1 of each year, or within a reasonable time thereafter, determine the per centum change in the Consumer Price Index published for December of the preceding year over the Consumer Price Index published for June of the preceding year, and

(B) on July 1 of each year, or within a reasonable time thereafter, determine the per centum change in the Consumer Price Index published for June of such year over the Consumer Price Index published for December of the preceding year.

(2) If in any year the per centum change determined under either paragraph (1)(A) or (1)(B) indicates a rise in the Consumer Price Index, then—

(A) effective March 1 of such year, in the case of an increase under paragraph (1)(A), each annuity payable under sections 43 and 43b of this title commencing not later than such March 1 shall be increased by the per centum change computed under such paragraph, adjusted to the nearest one-tenth of 1 per centum, or

(B) effective September 1 of such year, in the case of an increase under paragraph (1)(B), each annuity payable under sections 43 and 43b of this title commencing not later than such September 1 shall be increased by the per centum change computed under such paragraph, adjusted to the nearest one-tenth of 1 per centum.

(3) The per centum increase authorized by the Comptroller General under this section shall not exceed the per centum increase as authorized from time to time by the Director of the Office of Personnel Management under section 8340(b) of title 5.

(b) The annuity authorized by section 43 of this title shall not, by reason of the application of subsection (a) of this section, exceed the annual rate of compensation of the Comptroller General.

(June 10, 1921, ch. 18, title III, § 320, as added Oct. 25, 1978, Pub. L. 95-512, § 3, 92 Stat. 1799; and amended 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783.)

TRANSFER OF FUNCTIONS

"Director of the Office of Personnel Management" was substituted for "Civil Service Commission" pursuant to Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred all functions vested by statute in the United States Civil Service Commission to the Director of the Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

CHAPTER 1A—ACCOUNTING AND AUDITING

SUBCHAPTER IV—FEDERAL GOVERNMENT PENSION PLANS [NEW]

Sec.
68. Declaration of purpose.
68a. Annual reports.
(a) Applicability of section 1023 of title 29; exceptions.
(b) Central Intelligence Agency.
(c) Use of actuaries.
68b. Review of financial and actuarial statements; submission of recommendations to Congress.
68c. Definition of Federal Government pension plan; plans described in section 68c(b) of this title.
68d. Effective date; plan year defined.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 181d, 244 of this title; title 12 section 1749a; title 22 sections 3721, 3723; title 38 section 4207; title 40 section 756; title 48 sections 1469b, 1683; title 49 section 1537.

SUBCHAPTER I—GENERAL PROVISIONS

§ 65. Congressional declaration of policy

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95-320, § 1, July 21, 1978, 92 Stat. 391, provided: "That this Act [amending section 67 of this title and section 1906 of Title 18, Crimes and Criminal Procedure] may be cited as the 'Federal Banking Agency Audit Act'."

SUBCHAPTER III—AUDIT OF FINANCIAL TRANSACTIONS OF EXECUTIVE, LEGISLATIVE, AND JUDICIAL AGENCIES

§ 67. Duty of General Accounting Office

[See main edition for text of (a) to (c)]

(d) Audits of Internal Revenue Service and Bureau of Alcohol, Tobacco, and Firearms; access to records; nondisclosure; General Accounting Office employees with access to taxpayer information lists; report to Congress and congressional committees; contents

(1) The Comptroller General shall make, under such rules and regulations as he shall prescribe, audits of the Internal Revenue Service and the Bureau of Alcohol, Tobacco, and Firearms of the Department of the Treasury: *Provided*, That such audits shall not affect the finality of findings or decisions of the Secretary of the Treasury or his delegate under section 6406 of title 26.

(2) For the purposes of, and to the extent necessary in, making the audits required by paragraph (1) of this subsection, representatives of the General Accounting Office—

(A) shall, to the extent provided by, and subject to the requirements imposed by, section 6103 of title 26 but notwithstanding the provisions of any other law, have access to returns and return information (as defined by section 6103(b) of title 26); and

(B) shall, notwithstanding the provisions of any other law, have access to all other books, accounts, financial records, reports, files, papers, things, and property belonging to or in use by the Internal Revenue Service or the Bureau of Alcohol, Tobacco, and Firearms:

Provided, That no officer or employee of the General Accounting Office shall, except as otherwise expressly provided by law, divulge or make known in any manner whatever to any person, other than another officer or employee of such office whose official duties or responsibilities require such disclosure, any information described in clause (B) in a form which can be associated with, or otherwise identify, directly or indirectly, a particular taxpayer. Any such officer or employee who makes a disclosure in violation of this proviso shall be subject to the penalties provided by law.

(3) The Comptroller General shall, from time to time, but not less often than once every six months, designate in writing the name and title of each officer and employee of the General Accounting Office who, pursuant to the provisions of paragraph (2) of this subsection, is to have access to tax returns and tax return information, or any information described in clause (B) of such paragraph (2), in a form which can be associated with or otherwise identify, directly or indirectly, a particular taxpayer. Each such written designation, or a certified copy thereof, promptly shall be delivered to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, the Joint Committee on Taxation, the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Commissioner of Internal Revenue, and the Director of the Bureau of Alcohol, Tobacco, and Firearms.

(4) The Comptroller General shall, as frequently as may be practicable, make reports to the Congress on the results of audit work performed. In addition, the Comptroller General shall submit an annual written report to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, the Joint Committee on Taxation, the Committee on Government Operations of the House of Representatives, and the Committee on Governmental Affairs of the Senate which report shall include, but shall not be limited to, the following:

(A) The procedures and requirements which the General Accounting Office, the Internal Revenue Service, and the Bureau of Alcohol, Tobacco, and Firearms have established for protecting the confidentiality of tax returns and tax return information made available to the Comptroller General under this subsection;

(B) the scope and subject matter of any audit or other examination or review authorized under paragraph (1) of this subsection; and

(C) any findings, conclusions, or recommendations developed by the Comptroller General as a result of any audit or other examination or review authorized under paragraph (1) of this subsection including any significant evidence of inefficiency or mismanagement.

(e) Audits of Financial Institutions Examination Council, Federal Reserve Board, Federal Reserve Banks, Federal Deposit Insurance Corporation, and Office of Comptroller of the Currency; definition; scope; conduct of onsite examinations by General Accounting Office; disclosure of information, etc., by Office; reports to Congress by Comptroller General; conduct of audit by Office

(1) The Comptroller General of the United States shall make, under such rules and regulations as he may prescribe, audits—

(A) of the Financial Institutions Examination Council;

(B) of the Federal Reserve Board, all Federal Reserve Banks, and their branches and facilities;

(C) of the Federal Deposit Insurance Corporation; and

(D) of the Office of the Comptroller of the Currency.

(2) For purposes of this subsection, the term "agency" means the agencies, banks, facilities, and corporation, listed in clauses (A), (B), (C), and (D) of paragraph (1).

(3) An audit made under paragraph (1)(B) shall not include—

(A) transactions conducted on behalf of or with foreign central banks, foreign governments, and nonprivate international financing organizations;

(B) deliberations, decisions, and actions on monetary policy matters, including discount window operations, reserves of member banks, securities credit, interest on deposits, and open market operations;

(C) transactions made under the direction of the Federal Open Market Committee including transactions of the Federal Reserve System Open Market Account; and

(D) those portions of oral, written, telegraphic, or telephonic discussions and communications among or between Members of the Board of Governors, and officers and employees of the Federal Reserve System which deal with topics listed in subparagraphs (A), (B), and (C) of this paragraph.

(4) The General Accounting Office (hereinafter in this subsection referred to as the Office) shall not conduct onsite examinations of open insured banks or bank holding companies without the written consent of the agency concerned.

(5)(A) Except as otherwise provided in this paragraph, no officer or employee of the Office shall disclose to any person, nor shall the Office disclose in its report or otherwise outside of the Office, any information in a form which would (i) identify a specific customer of an open or closed bank or bank holding company, or (ii) identify a specific open bank or open bank holding company.

(B) The Office may disclose information in a form which would identify a customer of a closed bank or closed bank holding company only if that customer, in the opinion of the Comptroller General, had a controlling influence in the management of such closed bank or closed bank holding company or was related to or affiliated with such a controlling person or group, and then only to the extent that such disclosures relate to the affairs of such closed bank or closed bank holding company.

(C) Subparagraph (A) shall not be deemed to prohibit the Office or its employees from discussing specific customers, banks, or bank holding companies with officials of any of the agencies or from reporting apparent criminal law violations to appropriate State or Federal law enforcement agencies.

(D) Nothing in this subsection shall authorize the withholding of information by any officer or employee of an agency from a duly authorized committee or subcommittee of the Congress.

(6)(A) The Comptroller General shall, as frequently as may be practicable, make reports to the Congress on the results of audit work performed under this subsection.

(B) An advance draft of such Office audit report shall be made available to the agency concerned (other than banks, branches, and facilities) for thirty days for agency comment on the contents thereof. The final report shall include, as an addendum, any written comments submitted by the agency within such period.

(7)(A) For the purposes of, and to the extent necessary in making audits required by paragraph (1), representatives of the Office shall have access to all books, accounts, records, reports, files, memorandums, papers, things, and property belonging to or in use by the entities being audited, including statistically meaningful samples, determined by the Office, of reports of examination of banks or bank holding companies, from whatever source, together with workpapers and correspondence relating to such reports whether or not a part of the reports; and all without deletions.

(B) The Comptroller General shall have the authority to authorize Office personnel to conduct such audits and to have access to agency materials described in subparagraph (A) and shall provide the agencies with an up-to-date listing of such personnel, who upon proper identification shall be granted access to such agency materials and shall be permitted to make whatever notes or copies they deem necessary to proper conduct of the audit.

(C) The agencies shall provide such Office personnel with suitable, lockable office space and furniture, telephone, and access to copying facilities.

(D) All Office workpapers, and agency materials described in subparagraph (A) which come into possession of the Office during an audit, shall remain on the agency's premises, except for temporary removal of Office workpapers which do not identify a specific customer, bank, or bank holding company as provided in paragraph (5)(A). Such agency materials shall be strictly maintained in order to prevent any unauthorized access.

(As amended Oct. 7, 1977, Pub. L. 95–125, 91 Stat. 1104; July 21, 1978, Pub. L. 95–320, § 2, 92 Stat. 391; Nov. 10, 1978, Pub. L. 95–630, title X, § 1010, 92 Stat. 3696.)

CODIFICATION

In subsec. (e)(3), reference to paragraph "(1)(B)" was substituted for "(1)(A)" to reflect the redesigna-

tion of clauses (A) to (C) as (B) to (D), respectively, by Pub. L. 95-630. See 1978 Amendment note below.

AMENDMENTS

1978—Subsec. (e). Pub. L. 95-630 inserted cl. (A) and redesignated former cls. (A) to (C) as (B) to (D), respectively, in par. (1) and substituted "(C), and (D)" for "and (C)" in par. (2).

Pub. L. 95-320 added subsec. (e).

1977—Subsec. (d). Pub. L. 95-125 added subsec. (d).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-630 effective upon the expiration of 120 days after Nov. 10, 1978, see section 2101 of Pub. L. 95-630, set out as an Effective Date note under section 375b of Title 12, Banks and Banking.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 2 section 104a; title 18 section 1906; title 26 section 6103; title 42 section 2996h.

SUBCHAPTER IV—FEDERAL GOVERNMENT PENSION PLANS [NEW]

§ 68. Declaration of purpose

It is the purpose of this subchapter to protect the interests of the Nation and of the participants and their beneficiaries in Federal Government pension plans and certain other pension plans by requiring full disclosure of the financial condition of such plans.

(Sept. 12, 1950, ch. 946, title I, pt. II, § 120, as added Nov. 4, 1978, Pub. L. 95-595, § 1, 92 Stat. 2541.)

§ 68a. Annual reports

(a) Applicability of section 1023 of title 29; exceptions

Notwithstanding any other provision of law or any administrative determination to the contrary, each Federal Government pension plan and each plan described in section 68c(b) of this title, except as specified in subsection (b) of this section, shall be deemed to be subject to the provisions of section 1023 of title 29 in the same manner as an employee pension benefit plan to which such section applies, except that, with respect to such a Federal Government pension plan or a plan described in section 68c(b) of this title—

(1) the annual report required by such section shall be in such form, and shall include such information and data, as the President, in consultation with the Comptroller General (or in the case of a plan described in section 68c(a)(9) or 68c(b) of this title, the Comptroller General) may prescribe;

(2) the annual report required by such section shall be furnished to the Congress and to the Comptroller General, not later than the end of the two hundred and ten-day period beginning on the day after the last day of the plan year involved;

(3) unless specifically authorized by the Comptroller General, no provision of such section which provides for waiver of, relief from, or exception to any requirement otherwise applicable to an employee pension benefit plan shall be deemed to apply to such Federal Government pension plan or such plan described in section 68c(b) of this title;

(4) the provisions of section 1024(b) of title 29 shall not apply;

(5) the report required by this subchapter shall be in addition to and shall not supersede other reports or projections required by law; and

(6) other than in the case of a plan described in section 68c(b) of this title, the Comptroller General shall perform such audits as the Comptroller General deems appropriate in lieu of the requirements for the independent qualified public accountant under section 1023 of title 29.

(b) Central Intelligence Agency

Nothing in this subchapter shall be construed as imposing any requirement with respect to a Federal Government pension plan for officers or employees of the Central Intelligence Agency, unless the imposition of such requirement is specifically approved in writing by the President.

(c) Use of actuaries

Nothing in this chapter shall preclude the use by a plan of the services of an enrolled actuary employed by the agency or agencies administering the plan.

(Sept. 12, 1950, ch. 946, title I, pt. II, § 121, as added Nov. 4, 1978, Pub. L. 95-595, § 1, 92 Stat. 2541.)

EX. ORD. NO. 12177. DELEGATION OF FUNCTIONS TO DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET AND SECRETARY OF THE TREASURY

Ex. Ord. No. 12177, Dec. 10, 1979, 44 F.R. 71805, provided:

By the authority vested in me as President of the United States of America by Section 121(a)(1) of the Budget and Accounting Procedures Act of 1950, as amended (92 Stat. 2541, Public Law 95-595, 31 U.S.C. 68a) and Section 301 of Title 3 of the United States Code, and in order to provide consistency among the financial and actuarial statements of Federal Government pension plans, it is hereby ordered as follows:

1-101. All the functions vested in the President by Section 121(a) of the Budget and Accounting Procedures Act of 1950, as amended (31 U.S.C. 68a), are delegated to the Director of the Office of Management and Budget. The Director may, from time to time, designate other officers or agencies of the Federal Government to perform any or all of the functions hereby delegated to the Director, subject to such instructions, limitations, and directions as the Director deems appropriate.

1-102. The head of an Executive agency responsible for the administration of any Federal Government pension plan within the meaning of Section 123(a) of the Budget and Accounting Procedures Act of 1950, as amended (31 U.S.C. 68c), except subsection (a)(9) and (b), shall ensure that the administrators of those plans comply with the form, manner, and time of filing as required by the Director of the Office of Management and Budget.

1-103. Subject to the provisions of Section 1-101 of this Order, and in the absence of any contrary delegation or direction by the Director, the Secretary of the Treasury, with respect to the development of the form and content of the annual reports, shall perform the functions set forth in Section 121(a) of the Budget and Accounting Procedures Act of 1950, as amended (31 U.S.C. 68a). In performing this function, the Secretary shall also be responsible for consulting with the Comptroller General.

JIMMY CARTER.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 68b, 68d of this title.

§ 68b. Review of financial and actuarial statements; submission of recommendations to Congress

If requested by either House of Congress (or any committee thereof) or if deemed necessary by the Comptroller General, the General Accounting Office shall—

(1) review financial and actuarial statements furnished pursuant to section 68a of this title for the purpose of determining whether the reporting requirements of such section are adequate to carry out the purpose of this subchapter; and

(2) submit to the Congress such recommendations for legislative action as it may deem necessary to carry out the purposes of this subchapter.

(Sept. 12, 1950, ch. 946, title I, pt. II, § 122, as added Nov. 4, 1978, Pub. L. 95-595, § 1, 92 Stat. 2542.)

§ 68c. Definition of Federal Government pension plan; plans described in section 68c(b) of this title

(a) For purposes of this subchapter, the term "Federal Government pension plan" means a pension, annuity, retirement, or similar plan (other than a plan covered under the Employee Retirement Income Security Act of 1974 [29 U.S.C. 1001 et seq.], or any plan or program which is financed by contributions required under chapter 21 of the Internal Revenue Code of 1954 (the Federal Insurance Contributions Act) [26 U.S.C. 3101 et seq.] or chapter 22 of the Internal Revenue Code of 1954 (the Railroad Retirement Tax Act) [26 U.S.C. 3201 et seq.]), whether or not such plan is an employee pension benefit plan within the meaning of section 3(2) of the Employee Retirement Income Security Act of 1974 [29 U.S.C. 1002(2)], established or maintained by the Government of the United States, or any agency or instrumentality thereof, for any of its officers or employees, without regard to the number of participants covered by such plan, and such term includes but is not limited to the following plan:

(1) Civil Service Retirement System;

(2) Foreign Service Retirement and Disability System;

(3) Military Retirement System;

(4) Coast Guard Retirement System;

(5) Commissioned Corps of the Public Health Service Retirement System;

(6) National Oceanic and Atmospheric Administration Retirement System;

(7) Tennessee Valley Authority Retirement System;

(8) nonappropriated fund plans; and

(9) judicial plans.

(b) For purposes of this subchapter, the plans described in section 68c(b) of this title are the following (other than any of the following which are covered under the Employee Retirement Income Security Act of 1974 [29 U.S.C. 1001 et seq.]):

(1) Federal Reserve Employees Retirement Plans;

(2) Federal Home Loan Bank Board Retirement Systems;

(3) Federal Home Loan Mortgage Corporation Plan; and

(4) Farm Credit District Retirement Plans.

(Sept. 12, 1950, ch. 946, title I, pt. II, § 123, as added Nov. 4, 1978, Pub. L. 95-595, § 1, 92 Stat. 2542.)

REFERENCES IN TEXT

The Employee Retirement Income Security Act of 1974, referred to in text, is Pub. L. 93-406, Sept. 2, 1974, 88 Stat. 832, as amended. Titles I, III, and IV of this Act are classified principally to chapter 18 (§ 1001 et seq.) of title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 29 and Tables.

Chapter 21 of the Internal Revenue Code of 1954 (the Federal Insurance Contributions Act), referred to in subsec. (a), is act Aug. 16, 1954, ch. 736, §§ 3101, 3102, 3111, 3112, 3121 to 3126, 68A Stat. 415, as amended, which is classified generally to chapter 21 (§ 3101 et seq.) of Title 26, Internal Revenue Code. For complete classification of this Act to the Code, see section 3126 of Title 26 and Tables.

Chapter 22 of the Internal Revenue Code of 1954 (the Railroad Retirement Tax Act), referred to in subsec. (a), is act Aug. 16, 1954, ch. 736, §§ 3201, 3202, 3211, 3212, 3221, and 3231 to 3233, 68A Stat. 431, as amended, which is classified generally to chapter 22 (§ 3201 et seq.) of Title 26, Internal Revenue Code. For complete classification of this Act to the Code, see section 3233 of Title 26 and Tables.

COMPLIANCE WITH FILING REQUIREMENTS OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

For responsibility of the head of an executive agency for the administration of any Federal Government pension plan within this section, with the exception of subsecs. (a)(9) and (b), to ensure that the administrators of those plans comply with the form, manner, and time of filing as required by the Director of the Office of Management and Budget, see section 1-102 of Ex. Ord. No. 12177, Dec. 10, 1977, 44 F.R. 71805, set out as a note under section 68a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 68a of this title.

§ 68d. Effective date; plan year defined

The requirement imposed by section 68a(a) of this title shall apply with respect to plan years beginning after September 30, 1978. For purposes of this section, the term "plan year" means with respect to a plan, the calendar, policy, or fiscal year chosen by the plan on which the records of the plan are kept.

(Sept. 12, 1950, ch. 946, title I, pt. II, § 124, as added Nov. 4, 1978, Pub. L. 95-595, § 1, 92 Stat. 2543.)

CHAPTER 2—AUDIT AND SETTLEMENT OF ACCOUNTS

§ 72. Settlement of accounts

TRANSFER OF FUNCTIONS

All functions vested by statute in the United States Civil Service Commission were transferred to the Director of the Office of Personnel Management (except as otherwise specified) by Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

§ 82c. Certifying officers; accountability; relief by Comptroller General

The officer or employee certifying a voucher shall (1) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting papers and for the legality of the proposed payment under the appropriation or fund involved; and (2) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by him, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved: *Provided,* That the Comptroller General may, in his discretion, relieve such certifying officer or employee of liability for any payment otherwise proper whenever he finds (1) that the certification was based on official records and that such certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained, the actual facts, or (2) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and that the United States has received value for such payment: *Provided further,* That the Comptroller General shall relieve such certifying officer or employee of liability for an overpayment for transportation services made to any common carrier covered by section 244 of this title whenever he finds that the overpayment occurred solely because the administrative examination made prior to payment of the transportation bill did not include a verification of transportation rates, freight classifications, or land-grant deductions.

(Dec. 29, 1941, ch. 641, § 2, 55 Stat. 875; June 6, 1972, Pub. L. 92-310, title II, § 231(cc), 86 Stat. 213.)

CODIFICATION

Section is set out in this supplement to reflect the reclassification of section 66 of Title 49, Transportation, to section 244 of this title.

§ 97. Claims for arrears of pay and bounty already paid

REFERENCES IN TEXT

R.S. § 277, referred to in text, which was classified to section 73 of this title, was largely superseded by section 7 of act July 31, 1894, (section 72 of this title), and was subsequently repealed by act Aug. 17, 1959, ch. 735, § 10(a)(2), 64 Stat. 462.

§ 99. Repealed. Pub. L. 85-56, § 2202(38), (40), June 17, 1957, 71 Stat. 163

Section, acts July 1, 1890, ch. 646, 26 Stat. 209; Sept. 1, 1890, No. 43, 26 Stat. 679, related to affidavits and declarations in bounty cases, claims for back pay, and certification of the official character and signature of the officer taking the affidavits and declarations.

EFFECTIVE DATE OF REPEAL

Section repealed effective Jan. 1, 1958, see section 2301 of Pub. L. 85-56.

CHAPTER 5—THE BUREAU OF ENGRAVING AND PRINTING

SUBCHAPTER II—FINANCING OF BUREAU OPERATIONS

§ 181. Reimbursement for work performed; prompt payment

ADJUSTMENT OF PRICES FOR WORK AND SERVICES

Pub. L. 95-81, title I, § 100, July 31, 1977, 91 Stat. 342, provided additional capital for the Bureau of Engraving and Printing Fund established by this subchapter by appropriating to the Fund, notwithstanding section 181a(e) of this title, the full amount of payments made since July 1, 1974, and after July 31, 1977, for work and services in accordance with this section at prices adjusted to permit the acquisition of capital equipment and to provide future working capital.

CHAPTER 6—DEBTS DUE BY, OR TO, THE UNITED STATES

Sec.
244. Payment for transportation [New].
(a) Deduction of overcharges.
(b) Review of action by General Services Administration; limitations.
(c) Advance payment.
(d) Definition.

§ 191. Priority established

Whenever any person indebted to the United States is insolvent, or whenever the estate of any deceased debtor, in the hands of the executors or administrators, is insufficient to pay all the debts due from the deceased, the debts due to the United States shall be first satisfied; and the priority established shall extend as well to cases in which a debtor, not having sufficient property to pay all his debts, makes a voluntary assignment thereof, or in which the estate and effects of an absconding, concealed, or absent debtor are attached by process of law, as to cases in which an act of bankruptcy is committed. The priority established under this section does not apply, however, in a case under title 11.

(As amended Pub. L. 95-598, title III, § 322(a), Nov. 6, 1978, 92 Stat. 2678.)

AMENDMENTS

1978—Pub. L. 95-598 added sentence reading "The priority established under this section does not apply, however, in a case under title 11."

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Dates note preceding section 101 of Title 11, Bankruptcy.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 711, 1504, 1525 of this title; title 22 section 1631g; title 26 sections 6326, 7430; title 29 section 1368; title 30 section 934; title 41 section 108; title 48 section 1423a; title 50 App. section 34.

§ 192. Liability of fiduciaries

Except with respect to a trustee acting in accordance with the provisions of title 11, every executor, administrator, or assignee, or other

person, who pays, in whole or in part, any debt due by the person or estate for whom or for which he acts before he satisfies and pays the debts due to the United States from such person or estate, shall become answerable in his own person and estate to the extent of such payments for the debts so due to the United States, or for so much thereof as may remain due and unpaid.

(As amended Pub. L. 95-598, title III, § 322(b), Nov. 6, 1978, 92 Stat. 2679.)

AMENDMENTS

1978—Pub. L. 95-598 inserted introductory text "Except with respect to a trustee acting in accordance with the provisions of title 11".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Dates note preceding section 101 of Title 11, Bankruptcy.

§ 194. Repealed. Pub. L. 95-598, title III, § 322(c), Nov. 6, 1978, 92 Stat. 2679

Section, R.S. § 3469; May 10, 1934, ch. 277, § 512, 48 Stat. 758; June 25, 1948, ch. 646, § 1, 62 Stat. 909, authorized the Secretary of Treasury to compromise claims.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Dates note preceding section 101 of Title 11, Bankruptcy.

§ 198. Repealed. Pub. L. 95-598, title III, § 322(d), Nov. 6, 1978, 92 Stat. 2679

Section, R.S. § 3473; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 249, related to the currency in which debts to the United States were to be paid.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Dates note preceding section 101 of Title 11, Bankruptcy.

§ 199. Repealed. Pub. L. 95-598, title III, § 322(e), Nov. 6, 1978, 92 Stat. 2679

Section, R.S. 3474, related to the type of coins receivable in payment of dues to the United States.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Dates note preceding section 101 of Title 11, Bankruptcy.

§ 200. Documentary evidence of obligations

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 19 section 2345; title 22 section 2361; title 49 section 1602.

§ 203. Assignments of claims; set-off against assignee

TRANSFER OF FUNCTIONS

The Atomic Energy Commission was abolished and all functions were transferred to the Administrator of the Energy Research and Development Administration (unless otherwise specifically provided) by section 5814 of Title 42, The Public Health and Welfare. The Energy Research and Development Administration was terminated and functions vested by law in the Administrator thereof were transferred to the Secretary of Energy (unless otherwise specifically provided) by sections 7151(a) and 7293 of Title 42.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 711 of this title; title 22 sections 1004, 2392; title 26 section 6422; title 43 section 1628; title 50 section 1651; title 50 App. 1215.

§ 231. Liability of persons making false claims

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 232, 233, 711 of this title.

§ 232. Procedure for private claims

[See main edition for text of (A) to (E)]

(F) Service of subpoenas

A subpoena requiring the attendance of a witness at a trial or hearing conducted under sections 231 through 235 of this title may be served at any place in the United States.

(As amended Nov. 2, 1978, Pub. L. 95-582, § 1, 92 Stat. 2479.)

REFERENCES IN TEXT

Sections 231 through 235 of this title, referred to in cl. (F), in the original read "sections 3490 through 3494 and 5438 of the Revised Statutes, as amended", which was translated as sections 231 through 235 of this title even though section 5438 of the Revised Statutes has been repealed. The provisions of former section 5438 of the Revised Statutes, relating to acts specifically prohibited, were incorporated into section 231 of this title as still governing civil liability under section 231. See Codification note under section 231 of this title.

Section 234 of this title, included within the reference in cl. (F) to sections 231 through 235 of this title, was repealed by act Dec. 23, 1943, ch. 377, § 2, 57 Stat. 609.

AMENDMENTS

1978—Cl. (F). Pub. L. 95-582 added cl. (F).

§ 233. Duty of United States attorney as to such cases

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 232, 711 of this title.

§ 235. Limitation of suit

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 232, 711 of this title.

§ 241. Settlement payments

(a) Authority of heads of military departments and Secretary of Transportation; claims by members of uniformed services; limitation; replacement of property in kind; authority of Department of Defense over claims of civilian employees; payments to survivors

(1) Under such regulations as the Secretary of a military department, or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a part of the Navy, may prescribe, he or his designee may settle and pay a claim arising after August 31, 1964, against the United States for not more than $15,000 made by a member of the uniformed services under the jurisdiction of that department or the Coast Guard or by a civilian officer or employee of that department or the Coast Guard, for damage to, or loss of, personal

property incident to his service. If the claim is substantiated and the possession of that property is determined to be reasonable, useful, or proper under the circumstances, the claim may be paid or the property replaced in kind. This subsection does not apply to claims settled before August 31, 1964.

[*See main edition for text of* (2)]

(3) If a person named in this subsection is dead, the Secretary of the military department concerned or his designee, or the Secretary of Transportation or his designee, or the Secretary of Defense or his designee, as the case may be, may settle and pay any claim made by the decedent's surviving (1) spouse, (2) children, (3) father or mother, or both, or (4) brothers or sisters, or both, that arose before, concurrently with, or after the decedent's death and is otherwise covered by this subsection. Claims of survivors shall be settled and paid in the order named.

(b) Members of non-military departments; limitation; replacement of property in kind; payments to survivors

(1) Subject to any policies the President may prescribe to effectuate the purposes of this subsection and under such regulations as the head of an agency, other than a military department, the Secretary of Transportation with respect to the Coast Guard, or the Department of Defense, may prescribe, he or his designee may settle and pay a claim arising after August 31, 1964, against the United States for not more than $15,000 made by a member of the uniformed services under the jurisdiction of that agency or by a civilian officer or employee of that agency, for damage to, or loss of, personal property incident to his service. If the claim is substantiated and the possession of that property is determined to be reasonable, useful, or proper under the circumstances, the claim may be paid or the property replaced in kind. This subsection does not apply to claims settled before August 31, 1964.

(2) If a person named in this subsection is dead, the head of the agency concerned, or his designee, may settle and pay any claim made by the decedent's surviving (1) spouse, (2) children, (3) father or mother, or both, or (4) brothers or sisters, or both, that arose before, concurrently with, or after the decedent's death and is otherwise covered by this subsection. Claims of survivors shall be settled and paid in the order named.

[*See main edition for text of* (c) *to* (e)]

(Pub. L. 88-558, § 3, Aug. 31, 1964, 78 Stat. 767; Pub. L. 89-185, § 3(b), Sept. 15, 1965, 79 Stat. 789; Pub. L. 89-670, § 6(b)(1), Oct. 15, 1966, 80 Stat. 938; Pub. L. 90-561, Oct. 12, 1968, 82 Stat. 998; Pub. L. 91-311, July 8, 1970, 84 Stat. 412; Pub. L. 92-352, title I, § 106(a), July 13, 1972, 86 Stat. 491; Pub. L. 93-198, title IV, pt. B, § 421, Dec. 24, 1973, 87 Stat. 789; Pub. L. 93-455, § 1, Oct. 18, 1974, 88 Stat. 1381.)

CODIFICATION

Subsec. (b)(1) is set out in this supplement to reflect the date of enactment as being August 31, 1964, rather than October 18, 1974. Subsec. (b)(2) is set out to correct typographical error.

TRANSFER OF FUNCTIONS

The Coast Guard was transferred to the Department of Transportation, and all functions, powers, and duties relating to the Coast Guard of the Secretary of the Treasury and of other officers and offices of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, § 6(b)(1), Oct. 15, 1966, 80 Stat. 938. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, the Coast Guard shall operate as part of the Navy in time of war or when the President directs as provided in section 3 of Title 14, Coast Guard. See section 1655 of Title 49, Transportation.

§ 244. Payment for transportation

(a) Deduction of overcharges

Payment for transportation of persons or property for or on behalf of the United States by any carrier or forwarder shall be made upon presentation of bills therefor prior to audit by the General Services Administration, or his designee. The right is reserved to the United States Government to deduct the amount of any overcharge by any carrier or forwarder from any amount subsequently found to be due such carrier or forwarder. This does not affect the authority of the General Accounting Office to make audits in accordance with the Budget and Accounting Act, 1921 [31 U.S.C. 1 et seq.], and the Accounting and Auditing Act of 1950 [31 U.S.C. 65 et seq.]. The term "overcharges" shall be deemed to mean charges for transportation services in excess of those applicable thereto under tariffs lawfully on file with the Interstate Commerce Commission, the Civil Aeronautics Board, the Federal Maritime Commission, and any State transportation regulatory agency, and charges in excess of those applicable thereto under rates, fares, and charges established pursuant to sections 10721 to 10724 of title 49 or other equivalent contract, arrangement, or exemption from regulation: *Provided, however,* That such deductions shall be made within three years (not including any time of war) from the time of payment of bills: *Provided further,* That every claim for charges for transportation within the purview of this section shall be forever barred unless such claim shall be received in the General Services Administration, or by his designee within three years (not including any time of war) from the date of (1) accrual of the cause of action thereon, or (2) payment of charges for the transportation involved, or (3) subsequent refund for overpayment of such charges, or (4) deduction made pursuant to this section, whichever is later.

(b) Review of action by General Services Administration; limitations

Nothing in subsection (a) of this section hereof shall be deemed to prevent any carrier or forwarder from requesting the Comptroller General to review the action on his claim by the General Services Administration, or his designee. Such request shall be forever barred unless received in the General Accounting Office within six months (not including in time

of war) from the date the action was taken or within the periods of limitation specified in the second proviso in subsection (a) of this section, whichever is later.

(c) Advance payment

Pursuant to regulations prescribed by the head of a Government agency or his designee and in conformity with such standards as shall be promulgated jointly by the Secretary of the Treasury and the Comptroller General of the United States, bills for passenger or freight transportation services to be furnished the United States by any carrier or forwarder may be paid in advance of completion of the services, without regard to section 529 of this title: *Provided*, That such carrier or forwarder has issued the usual ticket, receipt, bill of lading, or equivalent document covering the service involved, subject to later recovery by deduction or otherwise of any payments made for any services not received as ordered by the United States.

(d) Definition

The term "head of a Government agency" means any individual or group of individuals having final decisionmaking responsibility for any department, commission, board, service, Government corporation, instrumentality, or other establishment or body in the United States Government.

(Sept. 18, 1940, ch. 722, title III, § 322, 54 Stat. 955; Aug. 26, 1958, Pub. L. 85-762, § 2, 72 Stat. 860; Oct. 25, 1972, Pub. L. 92-550, § 1, 86 Stat. 1163; Jan. 2, 1975, Pub. L. 93-604, title III, § 201, 88 Stat. 1960.)

REFERENCES IN TEXT

The Budget and Accounting Act, 1921, referred to in subsec. (a), is act June 10, 1921, ch. 18, 42 Stat. 20, as amended, which is classified principally to chapter 1 (§ 1 et seq.) of this title. For complete classification of this Act to the code, see section 1 of this title and Tables.

The Accounting and Auditing Act of 1950, referred to in subsec. (a), is act Sept. 12, 1950, ch. 946, title I, part II, 64 Stat. 834, as amended, which is classified generally to chapter 1A (§ 65 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 65 of this title and Tables.

CODIFICATION

Section was formerly classified to section 66 of Title 49, Transportation.

In subsec. (a), "sections 10721 to 10724 of title 49" was substituted for "section 22 of the Interstate Commerce Act, as amended", which section was formerly classified to section 22 of title 49, on authority of section 3(b) of Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1466, the first section of which enacted subtitle IV (§ 10101 et seq.) of Title 49, Transportation.

AMENDMENTS

1975—Subsec. (a). Pub. L. 93-604, § 201(1), (2), transferred the preliminary transportation audit responsibilities from the General Accounting Office to the General Services Administration, continued the final audit responsibility in the General Accounting Office, authorized the General Services Administration to designate other agencies to conduct such audits.

Subsec. (b). Pub. L. 93-604, § 201(3), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 93-604, § 201(3), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 93-604, § 201(3), redesignated subsec. (c) as (d).

1972—Subsec. (a). Pub. L. 92-550, § 1(a), designated existing provisions as subsec. (a) and, in subsec. (a) as so designated, substituted provisions for payment for transportation of persons or property for or on behalf of the United States by carriers or forwarders subject to standards promulgated by the Secretary of the Treasury and the Comptroller General of the United States for provisions for payment for transportation of United States mail, persons or property for or on behalf of the United States by common carriers subject to the Interstate Commerce Act and the Civil Aeronautics Act of 1938, and expanded the definition of "overcharges" to encompass all modes of transportation and all means of contractual arrangements or exemptions from regulations.

Subsecs. (b), (c). Pub. L. 92-550, § 1(b), added subsecs. (b) and (c).

1958—Pub. L. 85-762 substituted "overcharges by" for "overpayment to" and added sentence defining "overcharges".

EFFECTIVE DATE OF 1958 AMENDMENT

Section 3 of Pub. L. 85-762 provided in part that: "The provision of this Act which amends section 322 of the Transportation Act of 1940 [this section] shall apply only to transportation performed and payment made therefor subsequent to the effective date of this Act [August 26, 1958]."

SHORT TITLE OF 1972 AMENDMENT

Pub. L. 92-550, § 2, Oct. 25, 1972, 86 Stat. 1164, provided that: "This Act [amending this section] may be cited as the 'Transportation Payment Act of 1972'."

TRANSFER OF RECORDS, PROPERTY, PERSONNEL, AND FUNDS TO GENERAL SERVICES ADMINISTRATION

Pub. L. 93-604, §§ 202, 203, Jan. 2, 1975, 88 Stat. 1960, 1961, authorized the transfer to the General Services Administration of such records, property, personnel, and funds of the General Accounting Office as the Comptroller General and the Director of the Office of Management and Budget determined were necessary incidental to the transfer of audit responsibilities from the General Accounting Office to the General Services Administration by section 201 of Pub. L. 93-604, provided for proper compensation of such transferred personnel, provided that such transfers were to take place no later than Sept. 30, 1976, and required, within six months of the date of such transfers, a report to Congress from the Administrator of General Services Administration concerning the transfers.

TERMINATION OF CIVIL AERONAUTICS BOARD AND TRANSFER OF CERTAIN FUNCTIONS

All functions, powers, and duties of the Civil Aeronautics Board were terminated or transferred by section 1551 of Title 49, Transportation, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

CROSS REFERENCES

Overpayment for transportation services, relief from liability of certifying officer, see section 142b of Title 2, The Congress, and section 82c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 82c of this title; title 2 section 142b; title 44 section 308; title 49 section 11706.

CHAPTER 7—BUREAU OF THE MINT, MINTS, AND ASSAY OFFICES

SUBCHAPTER II—MINTS AND ASSAY OFFICES

§ 283. Business of San Francisco assay office

The business of the United States assay office in San Francisco shall be in all respects similar to that of the assay office of New York except that until the Secretary of the Treasury determines that the mints of the United States are adequate for the production of ample supplies of coins, its facilities may be used for the production of coins. The Officer in Charge shall be allowed the amount of necessary and bona fide wastage as determined by the Secretary of the Treasury but not to exceed that provided for the melter and refiner in section 355 of this title, for wastage incurred in the casting of fine gold and silver bars. Such wastage allowance shall not apply to deposit operations.

(R.S. § 3558; Feb. 20, 1895, ch. 105, §§ 1, 2, 28 Stat. 673; July 11, 1962, Pub. L., 87-534, §§ 2, 3(m), 76 Stat. 155; July 23, 1965, Pub. L. 89-81, title II, § 201, 79 Stat. 256.)

CODIFICATION

Section is set out in this supplement to correct a typographical error in the main edition.

Positions of melter and refiner were abolished by act Aug. 23, 1912. See Codification note set out under section 274 of this title.

CHAPTER 8—COINS, COINAGE, AND CURRENCY

SUBCHAPTER II—COINS AND COINAGE

Sec.
324b-1. Susan B. Anthony and moon landing silver dollars [New].

SUBCHAPTER II—COINS AND COINAGE

§ 317e. Uncurrent silver dollars; formation into bars; use for coinage

TRANSFER OF SILVER DOLLARS FROM TREASURY TO ADMINISTRATOR OF GENERAL SERVICES FOR PUBLIC SALE; REPAYMENT OF ADVANCE TO TREASURY; DEPOSIT OF PROCEEDS IN TREASURY; APPROPRIATIONS AUTHORIZATION

Section 205 of Pub. L. 91-607, title II, Dec. 31, 1970, 84 Stat. 1769, as amended Pub. L. 96-2, Mar. 7, 1979, 93 Stat. 4, provided that:

"(a) The Secretary of the Treasury is authorized to transfer, as an accountable advance and at their face value the approximately three million silver dollars now held in the Treasury to the Administrator of General Services. The Administrator is authorized to sell such coins as may remain by negotiations at such prices, including fixed prices, in such manner, and upon such terms and conditions as may be deemed proper by the Administrator. The Administrator shall repay the accountable advance in the amount of that face value out of the proceeds of and at the time of the public sale of the silver dollars. Any proceeds received as a result of the public sale in excess of the face value of these coins shall be covered into the Treasury as miscellaneous receipts.

"(b) There are authorized to be appropriated, to remain available until expended, such amounts as may be necessary to carry out the purposes of this section."

Section 2 of Pub. L. 96-2 provided that: "The amendment made by the first section of this Act [amending section 205(a) of Pub. L. 91-607] shall take effect upon the date of its enactment [Mar. 7, 1979]."

§ 324b. Silver dollars; Eisenhower and moon landing dollars

The dollars minted under authority of section 391(d) of this title shall bear the likeness of the late President of the United States, Dwight David Eisenhower, and on the other side thereof a design which is emblematic of the symbolic eagle of Apollo 11 landing on the moon.

(As amended Pub. L. 95-447, § 4, Oct. 10, 1978, 92 Stat. 1072.)

AMENDMENTS

1978—Pub. L. 95-447 struck out "initially" preceding "minted" and substituted reference to "section 391(d)" for "section 391" of this title.

§ 324b-1. Susan B. Anthony and moon landing silver dollars

The one-dollar coin authorized by section 391(c) of this title shall bear on the obverse side the likeness of Susan B. Anthony, and shall bear on the other side a design which is emblematic of the symbolic eagle of Apollo 11 landing on the moon.

(Pub. L. 95-447, § 3, Oct. 10, 1978, 92 Stat. 1072.)

SHORT TITLE

Section 1 of Pub. L. 95-447 provided that: "This Act [which enacted this section, amended sections 324b and 391(c)(1) of this title and enacted provision set out as a note under section 391 of this title] may be cited as the 'Susan B. Anthony Dollar Coin Act of 1978'."

§ 355. Allowance for wastage

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 281, 283, 322, 341, 350, 369 of this title.

SUBCHAPTER III—CLAD COINAGE

§ 391. Minting and issuance of clad coins

[*See main edition for text of* (a) *and* (b)]

(c) Denominations and specifications

(1) The dollar shall be 1.043 inches in diameter and weigh 8.1 grams.

[*See main edition for text of* (2) *to* (4); (d)]

(As amended Pub. L. 95-447, § 2, Oct. 10, 1978, 92 Stat. 1072.)

AMENDMENTS

1978—Subsec. (c)(1). Pub. L. 95-447 reduced the specifications of the dollar from diameter of 1.500 inches and weight of 22.68 grams to 1.043 inches and 8.1 grams, respectively.

SILVER COINAGE OF ONE-DOLLAR PIECES UNTIL JANUARY 1, 1979

Section 5 of Pub. L. 95-447, which provided that, until Jan. 1, 1979, the Secretary of the Treasury continue to mint and issue one-dollar coins authorized under subsec. (c)(1) of this section, as such subsection was in effect immediately prior to Oct. 10, 1978, was omitted from the Code as executed.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 324b, 324b-1, 324c, 324g, 393 of this title.

SUBCHAPTER IV—CURRENCY

§ 405a-1. Disposition of United States silver by coinage or sale; minimum sale price; stockpiled silver

REFERENCES IN TEXT

The Strategic and Critical Materials Stock Piling Act, referred to in text, is act June 7, 1939, ch. 190, as revised generally by Pub. L. 96-41, § 2, July 30, 1979, 93 Stat. 319, which is classified generally to subchapter III (§ 98 et seq.) of chapter 5 of Title 50, War and National Defense. For complete classification of this Act to the Code, see section 98 of Title 50 and Tables.

§ 405b. Gold certificates; issuance authorized

PAR VALUE MODIFICATION

Par value for the dollar of forty-two and two-ninth dollars per fine troy ounce gold was established by section 449 of this title (prior to its repeal) to be the legal standard for defining the relationship of the dollar to gold for the purpose of issuing gold certificates pursuant to this section.

SUBCHAPTER VII—MODIFICATION OF DOLLAR PAR VALUE TO GOLD

§ 449. Repealed. Pub. L. 94-564, § 6, Oct. 19, 1976, 90 Stat. 2661

Section, Pub. L. 92-268, § 2, Mar. 31, 1972, 86 Stat. 116; Pub. L. 93-110, § 1, Sept. 21, 1973, 87 Stat. 352, authorized Secretary of Treasury to establish a new par value of the dollar to be the legal standard for defining the relationship of the dollar to gold for purpose of issuing gold certificates.

EFFECTIVE DATE OF REPEAL

Repeal effective upon entry into force of the amendments to the Articles of Agreement of the International Monetary Fund approved in Resolution Numbered 31-4 of the Board of Governors of the Fund [Apr. 1, 1978], see section 9 of Pub. L. 94-564, set out as an Effective Date of 1976 Amendment note under section 286a of Title 22, Foreign Relations and Intercourse.

CHAPTER 9—LEGAL TENDER

§ 463. Provision for payment of obligations in gold prohibited; uniformity in value of coins and currencies

APPLICABILITY TO OBLIGATIONS ISSUED ON OR AFTER OCTOBER 28, 1977

Pub. L. 95-147, § 4(c), Oct. 28, 1977, 91 Stat. 1229, provided that: "The joint resolution entitled 'Joint resolution to assure uniform value to the coins and currencies of the United States', approved June 5, 1933 (31 U.S.C. 463), shall not apply to obligations issued on or after the date of enactment of this section [Oct. 28, 1977]."

CHAPTER 10—THE PUBLIC MONEYS

SUBCHAPTER I—GENERAL PROVISIONS

§ 483a. Services as self-sustaining; uniformity; regulations; deposit in Treasury; effect on other laws

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 8 section 1455; title 16 section 222; title 28 section 1828; title 33 section 1008; title 42 section 2201.

§ 484. Deposit without deduction

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 157, 485, 490, 545 of this title; title 15 section 2514; title 38 section 1820; title 42 section 5821.

§ 528. Duplicates for lost, stolen, destroyed, mutilated or defaced checks

(a) Issuance of duplicates; liability for erroneous issuance

Except as provided in this section, whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States is lost, stolen, or wholly or partly destroyed, or is so mutilated or defaced as to impair its value to its owner or holder, the Secretary of the Treasury is authorized to issue to the owner or holder thereof against funds available for the payment of the original check a substitute showing such information as may be necessary to identify the original check, but no such substitute shall be payable if the original check shall first have been paid: *Provided,* That nothing contained in this section shall be deemed to relieve any certifying officer or any disbursing officer of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check.

(b) Discretionary authority of Secretary to require undertakings of indemnity

The Secretary of the Treasury, may, before issuance of a substitute check, require from the owner or holder of the check an undertaking to indemnify the United States, in the form and amount and with the surety or security the Secretary believes necessary.

[See main edition for text of (c) to (h)]

(As amended Sept. 22, 1978, Pub. L. 95-380, §§ 1, 2, 92 Stat. 725.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-380, § 1, struck out provisions authorizing the Secretary of the Treasury to require undertakings of indemnity prior to issuance of substitute checks.

Subsec. (b). Pub. L. 95-380, § 2, substituted provisions authorizing the Secretary of the Treasury to require undertakings of indemnity prior to issuance of substitute checks, for provisions setting forth exceptions to requirement of undertakings of indemnity prior to issuance of substitute checks.

§ 529. Advances of public moneys; prohibition against

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 244, 529b, 529f, 530a, 531, 545 of this title; title 2 section 475; title 5 sections 3381, 4109, 5923, 5924; title 7 sections 4271, 1624; title 10 sections 2127, 2388, 6154, 7522; title 12 sections 1701z-2, 3012; title 15 sections 634, 2056, 2451, 2609, 2626; title 16 sections 460*l*-1, 565a-1, 581i-1, 1645, 2107; title 18 sections 4109, 4204; title 20 sections 959, 1221e-3, 2012, 2106; title 21 sections 360d, 360j; title 22 sections 289c, 294, 2103, 2179; title 29 section 954; title 30 section 1226; title 33 section 1254; title 37 section 1006; title 40 section 462; title 42 sections 242m, 254b, 263d, 285, 287b, 292f, 294t, 295f-4, 295g-9, 295g-10, 296k, 300c-11, 300c-21, 300c-22, 300d-5, 300e-2, 300e-3, 300u, 1453, 1456, 1870, 3105, 4101, 4372, 4585, 6009, 7403, 7404, 7818; title 49 sections 1353, 1603, 1604, 1638,

1643; title 50 sections 491, 502, 522; title 50 App. section 1918.

§ 529b. Advances for United States Customs Service in foreign countries

Section 529 of this title shall not apply to payments made for the United States Customs Service in foreign countries.

(May 6, 1939, ch. 115, title I, § 1, 53 Stat. 660.)

CODIFICATION

Section is set out in this supplement to correct a typographical error in the main edition.

§ 529j. Disbursements to armed forces of friendly foreign nations; executive agreements; reimbursements; reciprocity

Under regulations to be prescribed by the Secretary of Defense and the Secretary of Transportation in their respective areas of responsibility, an officer of the Army, Navy, Air Force, Marine Corps, or Coast Guard accountable for public money may advance funds to cashiers, disbursing officers, or members of an armed force of a friendly foreign nation for the purpose of paying pay and allowances to those members or enabling that armed force to purchase necessary supplies and services. An advance may not be made under this section unless the President has entered into an agreement with the nation concerned which, in addition to any other provision that he considers necessary to carry out this section and to safeguard the interests of the United States, shall require the United States to be reimbursed for any funds so advanced and shall require the appropriate authority of that nation to advance funds to members of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States on a reciprocal basis.

(Pub. L. 89–265, Oct. 19, 1965, 79 Stat. 989; Pub. L. 89–670, § 6(b)(1), Oct. 15, 1966, 80 Stat. 938.)

TRANSFER OF FUNCTIONS

The Coast Guard was transferred to the Department of Transportation, and all functions, powers, and duties relating to the Coast Guard of the Secretary of the Treasury and of other officers and offices of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89–670, § 6(b)(1), Oct. 15, 1966, 80 Stat. 938. Section 6(b)(2) of Pub. L. 89–670, however, provided that notwithstanding such transfer of functions, the Coast Guard shall operate as part of the Navy in time of war or when the President directs as provided in section 3 of Title 14, Coast Guard. See section 1655 of Title 49, Transportation.

§ 551. Use of public moneys for expenses of conventions or other assemblages

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 552 of this title; title 42 section 3789c.

§ 553. Transferred

CODIFICATION

Section, Pub. L. 89–105, § 6, Aug. 4, 1965, 79 Stat. 430, was transferred to section 3514 of Title 42, The Public Health and Welfare.

CHAPTER 11—APPROPRIATIONS

SUBCHAPTER I—GENERAL PROVISIONS

Sec.
628–2. Transfer back of funds to appropriation "Foreign Currency Fluctuations, Defense" [New].
628–3. Appropriations for military construction or expenses of family housing for military departments and defense agencies; transfer of funds to eliminate losses caused by fluctuations in foreign currency exchange rates that vary from budget submissions; annual report to Congress [New].

SUBCHAPTER I—GENERAL PROVISIONS

§ 581c. Adjustment of appropriations in connection with reorganizations

TRANSFER OF CERTAIN STATISTICAL POLICY FUNCTIONS

Section 5 of Ex. Ord. No. 12013, Oct. 7, 1977, 42 F.R. 54931, set out as a note under section 16 of this title, provides for the transfer of appropriations, records, personnel, etc., from the Director of the Office of Management and Budget to the Secretary of Commerce relating to certain statistical policy functions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 20 section 3501; title 42 sections 5872, 7291.

§ 628–2. Transfer back of funds to appropriation "Foreign Currency Fluctuations, Defense"

Funds transferred from the appropriation "Foreign Currency Fluctuations, Defense" during the current fiscal year or on and after July 25, 1979, may be transferred back to that appropriation from an appropriation to which they were transferred, if the funds are not needed to finance obligations incurred due to fluctuations in currency exchange rates in the appropriation to which they were transferred because of subsequent favorable fluctuations in currency exchange rates or because other funds are, or become, available to liquidate such obligations: *Provided*, That transfers authorized by this provision may not be made after the end of the second fiscal year following the fiscal year the appropriation to which the funds were previously transferred is available for obligation.

(Pub. L. 96–38, title I, § 100, July 25, 1979, 93 Stat. 100.)

§ 628–3. Appropriations for military construction or expenses of family housing for military departments and defense agencies; transfer of funds to eliminate losses caused by fluctuations in foreign currency exchange rates that vary from budget submissions; annual report to Congress

There is appropriated for transfer by the Secretary of Defense to appropriations and funds available during fiscal year 1980, or thereafter, for military construction or expenses of family housing for the military departments and Defense agencies, as he determines necessary to provide funds for those appropriations or funds to eliminate losses caused by fluctuations in foreign currency exchange rates that vary from budget submissions, the sum of $100,000,000, and in addition, the sum of $25,000,000 which shall be derived from Family Housing, Defense,

to remain available until expended: *Provided,* That funds transferred from this appropriation shall be merged with and be available for the same purpose, and for the same time period, as the appropriation or fund to which transferred: *Provided further,* That authorizations or limitations now or on and after November 30, 1979, contained within appropriations or other provisions of law limiting the amounts that may be obligated or expended are hereby increased to the extent necessary to reflect fluctuations in foreign currency exchange rates from those used in preparing the applicable budget submission: *Provided further,* That the Secretary of Defense shall provide an annual report to the Congress on all transfers made from this appropriation: *Provided further,* That contracts or other obligations entered into payable in foreign currencies may be recorded as obligations based on the currency exchange rates used in preparing budget submissions and adjustments to reflect fluctuations in such rates may be recorded as disbursements are made.

(Pub. L. 96–130, § 100, Nov. 30, 1979, 93 Stat. 1019.)

§ 638a. Restrictions on purchase, operation, use and maintenance of passenger motor vehicles and aircraft

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 638a–1, 638b, 638c, 638d, 638e of this title; title 5 section 3374; title 22 sections 1138a, 2396, 2588, 2678, 3622; title 40 section 491.

§ 638c. Maximum purchase price of motor vehicles; exceptions

Unless otherwise specifically provided the maximum amount allowable during the current fiscal year in accordance with section 638a of this title, for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at $3,400 except station wagons for which the maximum shall be $3,800.

(Pub. L. 96–74, title VI, § 601, Sept. 29, 1979, 93 Stat. 573.)

SIMILAR PROVISIONS

Section is from the Treasury, Postal Service, and General Government Appropriations Act, 1980, Pub. L. 96–74. Similar provisions were contained in the following prior appropriation acts:

Pub. L. 95–429, title VI, § 601, Oct. 10, 1978, 92 Stat. 1015.

Pub. L. 95–81, title VI, § 601, July 31, 1977, 91 Stat. 354.

§ 638f. Department of Defense

REPEATED

Pub. L. 96–130, § 105, Nov. 30, 1979, 93 Stat. 1020.
Pub. L. 95–374, § 105, Sept. 18, 1978, 92 Stat. 710.
Pub. L. 95–101, § 105, Aug. 15, 1977, 91 Stat. 839.

§ 649a. Appropriations of Air Force, Army, and Navy available for pay and allowances of prisoners of war and similar persons

REPEATED

Pub. L. 96–154, title VII, § 706, Dec. 21, 1979, 93 Stat. 1152.

Pub. L. 95–457, title VIII, § 806, Oct. 13, 1978, 92 Stat. 1243.

Pub. L. 95–111, title VIII, § 805, Sept. 21, 1977, 91 Stat. 899.

§ 665. Appropriations

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 665a, 669 of this title; title 2 section 60a–2; title 5 sections 575, 3111, 5307; title 12 section 1749bbb–8; title 15 sections 636, 713a–10, 2076, 2218; title 16 sections 470m, 831n–4; title 18 section 4204; title 19 section 2171; title 20 sections 241–1, 646, 1103, 1225; title 21 section 1114; title 22 sections 277d–3, 1461b, 2509, 2587, 3723; title 29 sections 830, 954; title 33 section 1123; title 39 section 2003; title 42 sections 2204, 2204a, 2210, 2293, 2295, 2394, 2942, 3789h, 4343, 5613; title 47 section 603.

§ 686. Purchase of supplies, equipment or services by one government bureau or department from another government bureau or department

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 686–1, 686b of this title; title 10 section 2205; title 16 section 825k; title 23 section 101; title 38 section 620A; title 40 sections 270f, 298b; title 42 section 254.

§ 698a. Disbursement and accounting

REFERENCES IN TEXT

Section 309 of title 37, referred to in text, was repealed with respect to administrative functions performed after September 30, 1980, by Pub. L. 96–107, title IV, § 404(a)(1), (b), Nov. 9, 1979, 93 Stat. 808.

§ 699b. Citizenship requirement for federal employees compensated from appropriated funds

Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on September 29, 1979, who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian and Laotian refugees paroled into the United States between January 1, 1975, and September 29, 1979: *Provided,* That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further,* That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined not more than $4,000 or imprisoned for not more than one year, or both: *Provided further,* That the above penal-clause shall be in addition to, and not in substitution for any other provisions of existing law: *Provided further,* That any payment made to any

officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

(Pub. L. 96-74, title VI, § 602, Sept. 29, 1979, 93 Stat. 574.)

SIMILAR PROVISIONS

Section is from the Treasury, Postal Service, and General Government Appropriations Act, 1980, Pub. L. 96-74. Similar provisions were contained in the following prior appropriation acts:

Pub. L. 95-429, title VI, § 602, Oct. 10, 1978, 92 Stat. 1015.

Pub. L. 95-81, title VI, § 602, July 31, 1977, 91 Stat. 354.

Pub. L. 94-419, title VII, § 750, Sept. 22, 1976, 90 Stat. 1299.

§ 700. Defense Department appropriations; alien personnel

REPEATED

Pub. L. 96-154, title VII, § 704, Dec. 21, 1979, 93 Stat. 1152.

Pub. L. 95-457, title VIII, § 804, Oct. 13, 1978, 92 Stat. 1243.

Pub. L. 95-111, title VIII, § 803, Sept. 21, 1977, 91 Stat. 899.

§ 700a. Department of Defense appropriations; property, services, and commodities; acceptance from foreign countries; quarterly reports

REPEATED

Pub. L. 96-154, title VII, § 720, Dec. 21, 1979, 93 Stat. 1155.

Pub. L. 95-457, title VIII, § 820, Oct. 13, 1978, 92 Stat. 1247.

Pub. L. 95-111, title VIII, § 819, Sept. 21, 1977, 91 Stat. 903.

§ 700b. Department of Defense appropriations; access roads; advances for construction

REPEATED

Pub. L. 96-130, § 106, Nov. 30, 1979, 93 Stat. 1020.

Pub. L. 95-374, title I, § 106, Sept. 18, 1978, 92 Stat. 710.

Pub. L. 95-101, § 106, Aug. 15, 1977, 91 Stat. 839.

SUBCHAPTER II—APPROPRIATION ACCOUNTS

§ 701. Accounting procedure

[See main edition for text of (a) and (b)]

(c) Definition of obligated and unobligated balance; collections received after transfer of obligated balance

For the purposes of this subchapter, the obligated balance of an appropriation account as of the close of the fiscal year shall be the amount of unliquidated obligations applicable to such appropriation less the amount collectible as repayments to the appropriation; the unobligated balance shall represent the difference between the obligated balance and the total unexpended balance. Collections authorized to be credited to an appropriation but not received until after the transfer of the obligated appropriation balance as required by subsection (a)(1) of this section, shall, unless otherwise authorized by law, be credited to the account into which the obligated balance has been transferred, except that any collection made by the General Accounting Office for other Government agencies may be deposited into the Treasury as miscellaneous receipts.

[See main edition for text of (d) and credits]

CODIFICATION

Subsec. (c) is set out in this supplement to correct typographical error appearing in the main edition.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 703, 705, 706 of this title; title 14 section 659.

SUBCHAPTER III—PERMANENT ANNUAL APPROPRIATIONS

§ 711. Permanent indefinite appropriations

CODIFICATION

Section 108(f) of Pub. L. 93-383, title I, Aug. 22, 1974, 88 Stat. 649, cited as a credit to this section, was redesignated section 108(i) by Pub. L. 95-128, title I, § 108(2), Oct. 12, 1977, 91 Stat. 1123.

§ 723a. Public works advanced planning; reports to Armed Services Committees

In the case of any public works project for which advance planning, construction design and architectural services are estimated to cost $250,000 or more, which are to be funded from moneys hereafter appropriated for such purposes pursuant to authority of section 723 of this title, the Secretary of Defense shall describe the project and report the estimated cost of such services not less than 30 days prior to initial obligation of funds therefor to the Committees on Armed Services of the Senate and House of Representatives.

(As amended Pub. L. 95-356, title VIII, § 801, Sept. 8, 1978, 92 Stat. 585.)

AMENDMENTS

1978—Pub. L. 95-356 substituted "$250,000" for "$225,000".

§ 724a. Appropriations for payment of judgments and compromise settlements against the United States

There are appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the payment, not otherwise provided for, as certified by the Comptroller General, of final judgments, awards, and compromise settlements, which are payable in accordance with the terms of section 2414, 2517, 2672, or 2677 of title 28 and decisions of boards of contract appeals, sections 215, 216, and 217 of this title, awards rendered by the Indian Claims Commission, and amounts (in excess of the amounts payable from agency appropriations) of claims determined meritorious under section 2733 or 2734 of title 10, section 715 of title 32, and section 2473 of title 42,

together with such interest and costs as may be specified in such judgments or otherwise authorized by law: *Provided*, That interest on a judgment of a district court to which the provisions of section 2411(b) of title 28 apply, payable from this appropriation, shall be paid only when such judgment becomes final after review on appeal or petition by the United States, and then only from the date of the filing of the transcript thereof in the General Accounting Office to the date of the mandate of affirmance (except that in cases reviewed by the Supreme Court interest shall not be allowed beyond the term of the Court at which the judgment was affirmed): *Provided further*, That interest on a judgment rendered by the Court of Claims, payable from this appropriation, in accordance with subsection 2516(b) of title 28, shall be computed from the date of the filing of the transcript thereof in the General Accounting Office: *Provided further*, That any judgment or compromise settlement against the United States arising out of an express or implied contract entered into by the Army and Air Force Exchange Service, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, or Exchange Councils of the National Aeronautics and Space Administration, shall be paid in accordance with this section and sections 2414, 2517, and 2518 of title 28, and such instrumentality shall reimburse the United States for a judgment or compromise settlement paid by the United States. Judgments against the United States arising out of activities of the United States Postal Service shall be paid by the Postal Service out of any funds available to it.

(As amended May 4, 1977, Pub. L. 95–26, title I, § 113, 91 Stat. 96; Mar. 7, 1978, Pub. L. 95–240, title II, § 201, 92 Stat. 116; Nov. 1, 1978, Pub. L. 95–563, § 14(c), 92 Stat. 2390.)

REFERENCES IN TEXT

Sections 215, 216, and 217 of this title, referred to in text, were repealed by act Aug. 2, 1946, ch. 753, title IV, § 424(a), 60 Stat. 846.

AMENDMENTS

1978—Pub. L. 95–563 inserted "and decisions of boards of contract appeals" following "section 2677 of title 28".

Pub. L. 95–240 added provisions relating to applicability to sections 215, 216, and 217 of this title, awards by the Indian Claims Commission, and claims under section 2733 or 2734 of title 10, section 715 of title 32, and section 2473 of title 42.

1977—Pub. L. 95–26 eliminated the provisions under which adjudicated and financially certified claims against the United States government of over $100,000 could not be paid out by the Comptroller General but had to be referred to Congress and funded through appropriations acts.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–563 effective with respect to contracts entered into 120 days after Nov. 1, 1978 and, at the election of the contractor, with respect to any claim pending at such time before the contracting officer or initiated thereafter, see section 16 of Pub. L. 95–563, set out as an Effective Date note under section 601 of Title 41, Public Contracts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 sections 79g, 460bb–2; title 32 section 334; title 41 section 612.

SUBCHAPTER IV—PERMANENT APPROPRIATIONS REPEAL

§ 725q–1a. Refunds of certain collections; appropriations; limitations on disbursements

For refunding internal-revenue collections, as provided by law, including the payment of claims for the prior fiscal years and payment of accounts arising under "Allowance or drawback (Internal Revenue)", "Redemption of stamps (Internal Revenue)", "Refunding legacy taxes, Act of March 30, 1928", "Repayment of taxes on distilled spirits destroyed by casualty", and "Refunds and payments of processing and related taxes", such sums as on and after June 19, 1948, may be necessary.

No disbursement may be made from the appropriation to the Treasury Department entitled "Bureau of Internal Revenue Refunding Internal-Revenue Collections" except (a) refunds to the limit of liability of an individual tax account, and (b) refunds due from any credit provision of title 26 enacted prior to January 1, 1978.

(As amended Sept. 8, 1978, Pub. L. 95–355, title III, § 303, 92 Stat. 563.)

AMENDMENTS

1978—Pub. L. 95–355 added second par. relating to a limitation on disbursements made from the appropriation to the Treasury Department entitled "Bureau of Internal Revenue Refunding Internal Revenue Collections".

CHAPTER 12—THE PUBLIC DEBT

SUBCHAPTER I—GENERAL PROVISIONS

§ 752. Second, third, and fourth Liberty loans; amount; bonds

[*See main edition for text of first paragraph*]

The bonds authorized in this section shall be in such form or forms and denomination or denominations and subject to such terms and conditions of issue, conversion, redemption, maturities, payment, and rate or rates of interest, not exceeding 4¼ per centum per annum, and time or times of payment of interest, as the Secretary of the Treasury from time to time at or before the issue thereof may prescribe. The principal and interest thereof shall be payable in United States legal tender coin or currency of the present standard of value. Bonds authorized by this section may be issued from time to time to the public and to Government accounts at a rate or rates of interest exceeding 4¼ per centum per annum; except that bonds may not be issued under this section to the public, or sold by a Government account to the public, with a rate of interest exceeding 4¼ per centum per annum in an amount which would cause the face amount of bonds issued under this section then held by the public with rates of interest exceeding 4¼ per centum per annum to exceed $50,000,000,000.

[See main edition for text of third and fourth pars.]

(As amended Oct. 4, 1977, Pub. L. 95-120, § 3, 91 Stat. 1090; Aug. 3, 1978, Pub. L. 95-333, § 3, 92 Stat. 419; Apr. 2, 1979, Pub. L. 96-5, § 3, 93 Stat. 8; Sept. 29, 1979, Pub. L. 96-78, title I, § 102, 93 Stat. 589.)

AMENDMENTS

1979—Pub. L. 96-78 substituted "$50,000,000,000" for "$40,000,000,000".

Pub. L. 96-5 substituted "$40,000,000,000" for "$32,000,000,000".

1978—Pub. L. 95-333 substituted "$32,000,000,000" for "$27,000,000,000".

1977—Pub. L. 95-120 substituted "$27,000,000,000" for "$17,000,000,000".

§ 757b. Public debt limit: limitations on obligations issued under Second Liberty Loan

The face amount of obligations issued under authority of this Act, and the face amount of obligations guaranteed as to principal and interest by the United States (except such guaranteed obligations as may be held by the Secretary of the Treasury), shall not exceed in the aggregate $400,000,000,000 outstanding at any one time, subject to any increases or decreases in such limit which may from time to time be provided by law (through the congressional budget process as described in rule XLIX of the Rules of the House of Representatives or otherwise). The current redemption value of any obligation issued on a discount basis which is redeemable prior to maturity at the option of the holder thereof shall be considered, for the purposes of this section, to be the face amount of such obligation.

(As amended Sept. 29, 1979, Pub. L. 96-78, title II, § 202, 93 Stat. 591.)

AMENDMENTS

1979—Pub. L. 96-78 added provisions relating to increases or decreases in the permanent debt limit which may from time to time be provided by law (through the congressional budget process as described in rule XLIX of the Rules of the House of Representatives or otherwise).

EFFECTIVE DATE OF 1979 AMENDMENT

Section 203 of Pub. L. 96-78 provided in part that the amendment of this section by Pub. L. 96-78 is applicable with respect to concurrent resolutions on the budget for fiscal years beginning on or after Oct. 1, 1980.

TEMPORARY INCREASES IN PUBLIC DEBT

The public debt limit set forth in this section was temporarily increased for limited periods by the following acts:

Sept. 29, 1979, Pub. L. 96-78, title I, § 101(a), 93 Stat. 589—Increase of $479,000,000,000 for the period Sept. 29, 1979, to May 31, 1980.

Apr. 2, 1979, Pub. L. 96-5, § 1, 93 Stat. 8—Increase of $430,000,000,000 for the period Apr. 2, 1979, to Sept. 30, 1979.

Aug. 3, 1978, Pub. L. 95-333, § 1, 92 Stat. 419—Increase of $398,000,000,000 for the period Aug. 3, 1978, to Mar. 31, 1979.

Oct. 4, 1977, Pub. L. 95-120, § 1, 91 Stat. 1090, as amended Mar. 27, 1978, Pub. L. 95-252, 92 Stat. 185—Increase of $352,000,000,000 for the period Oct. 4, 1977, to July 31, 1978.

REPEALS OF TEMPORARY DEBT LIMITS

Pub. L. 96-5, § 1, Apr. 2, 1979, 93 Stat. 8, providing for a temporary increase of $430,000,000,000 for the period Apr. 2, 1979, to Sept. 30, 1979, was repealed by Pub. L. 96-78, title I, § 101(b), Sept. 29, 1979, 93 Stat. 589.

Pub. L. 95-333, § 1, Aug. 3, 1978, 92 Stat. 419, providing for a temporary increase of $398,000,000,000 in the public debt limit for the period Oct. 3, 1978, to Mar. 31, 1979, was repealed by Pub. L. 96-5, § 2, Apr. 2, 1979, 93 Stat. 8.

Pub. L. 95-120, § 1, Oct. 4, 1977, 91 Stat. 1090, as amended, providing for a temporary increase of $352,000,000,000 in the public debt limit for the period Oct. 4, 1977 to July 31, 1978, was repealed by Pub. L. 95-333, § 2, Aug. 3, 1978, 92 Stat. 419.

Pub. L. 94-334, § 1, June 30, 1976, 90 Stat. 793, providing for a temporary increase of $300,000,000,000 in the public debt limit for the period Apr. 1, 1977, to Sept. 30, 1977, was repealed by Pub. L. 95-120, § 2, Oct. 4, 1977, 91 Stat. 1090.

§ 757c. United States savings bonds and Treasury savings certificates

[See main edition for text of (a)]

(b) Issuance on discount or interest-bearing basis; terms and conditions; limitation of purchases; retention of matured bonds; investment yield increases on savings bonds

[See main edition for text of (1) and (2)]

(3) The Secretary of the Treasury, with the approval of the President, may increase the investment yield on any United States savings bonds above the 5½ per centum limitation contained in paragraph (1) so long as such yield does not exceed 7 per centum per annum compounded semiannually.

[See main edition for text of (c) to (j)]

(As amended Apr. 2, 1979, Pub. L. 96-5, § 4, 93 Stat. 8.)

AMENDMENTS

1979—Subsec. (b)(3). Pub. L. 96-5 substituted "may increase the investment yield on any United States savings bonds above the 5½ per centum limitation contained in paragraph (1) so long as such yield does not exceed 7 per centum per annum compounded semiannually" for "may increase the interest rates and the investment yields on any offerings of United States savings bonds by not more than one-half of one percent for any interest accrual period that begins on or after June 1, 1970, and for any interest accrual period thereafter, to be paid as a bonus either on redemption or at maturity as the Secretary shall specify at the time the increase is provided".

EFFECTIVE DATE OF 1979 AMENDMENT

Section 4 of Pub. L. 96-5 provided in part that the amendment by Pub. L. 96-5 is effective with respect to interest accrual periods beginning after Apr. 2, 1979.

§ 774. Short titles of Acts

ACTS REFERRED TO IN OTHER SECTIONS

The First Liberty Bond Act is referred to in sections 752a, 755, 755a, 761, 767, 801, 802, 803 of this title.

The Second Liberty Bond Act is referred to in sections 750, 761, 767, 802, 803, 1351 of this title; title 7 sections 903, 934, 947, 1032, 1929, 1929a, 1988; title 12 sections 635b, 635c, 635d, 1431, 1701q, 1719, 1720, 1721, 1723e , 1723f, 1723g, 1723h, 1725, 1749, 1783, 1824, 2288; title 15 sections 78ddd, 713a-4, 1848, 2509; title 16

sections 831n-1, 831n-3, 831n-4, 838k, 1456a; title 20 sections 76o, 1081, 1087-2, 2009; title 22 sections 282e, 283e, 284e, 286e, 286m, 1980, 2195, 2906; title 26 sections 405, 409, 454, 1037; title 29 sections 773, 1305; title 30 section 1144; title 33 section 985; title 38 section 1823; title 39 section 2007; title 40 section 875; title 42 sections 291j-6, 293f, 293i, 294g, 296d, 300e-7, 300q-2, 401, 1104, 1395e, 1395l, 1395t, 1437b, 1440, 1452, 1481, 1487, 1494, 2414, 3906, 4518, 5308; title 43 section 1812; title 45 sections 231n, 602, 664, 720, 832; title 46 section 1275; title 48 sections 1407c, 1574b; title 49 section 1742; title 50 section 167j.

The Third Liberty Bond Act is referred to in section 767 of this title.

The Fourth Liberty Bond Act is referred to in section 767 of this title.

CHAPTER 13—CREDIT AND CURRENCY EXPANSION

§ 822a. Dealings in gold, foreign exchange, instruments of credit and securities

(a) Authorization for dealing; annual report

The Secretary of the Treasury, with the approval of the President, directly or through such agencies as he may designate, is authorized, for the account of the fund established in this section, to deal in gold and foreign exchange and such other instruments of credit and securities as he may deem necessary, consistent with the United States obligations in the International Monetary Fund regarding orderly exchange arrangements and a stable system of exchange rates: *Provided, however,* That no loan or credit to a foreign government or entity shall be extended by or through such Fund for more than six months in any twelve-month period unless the President provides a written determination to the Congress that unique or exigent circumstances make such loan or credit necessary for a term greater than six months. The Secretary of the Treasury shall annually make a report on the operations of the fund to the President and to the Congress.

(b) Stabilization fund; monthly financial statement to congressional committees: fund agreements, transactions, and liabilities

(1) To enable the Secretary of the Treasury to carry out the provisions of this section there is appropriated, out of the receipts which are directed to be covered into the Treasury under section 408b of this title, the sum of $2,000,000,000, which sum when available shall be deposited in the United States Treasury in a stabilization fund (hereinafter called the "fund") under the exclusive control of the Secretary of the Treasury, with the approval of the President, whose decisions shall be final and not be subject to review by any other officer of the United States. The fund shall be available for expenditure, under the direction of the Secretary of the Treasury and in his discretion, for any purpose in connection with carrying out the provisions of this section, including the investment and reinvestment in direct obligations of the United States of any portions of the fund which the Secretary of the Treasury, with the approval of the President, may from time to time determine are not currently required for the purposes prescribed by this section: *Provided,* That the fund shall not be available for the payment of administrative expenses. Such fund shall not be used in any manner whereby direct control and custody thereof pass from the President and the Secretary of the Treasury. The proceeds of all sales and investments and all earnings and interest accruing under the operations of this section shall be paid into the fund and shall be available for the purposes of the fund.

(2) Within 30 days after the close of each calendar month beginning after the effective date of this paragraph, the Secretary of the Treasury shall provide to the Committee on Banking, Finance, and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, a detailed financial statement of the fund respecting all agreements entered into or renewed, all transactions occurring during such month, and all liabilities projected to occur.

[*See main edition for text of* (c)]

(d) Treasury personnel allowances and benefits comparable to Foreign Service personnel for performance of international affairs functions of Treasury; rules and regulations

The Secretary of the Treasury may, under such rules and regulations as he may prescribe, provide to personnel performing the international affairs functions of the Department of the Treasury allowances and benefits comparable to those provided by title IX of the Foreign Service Act of 1946, as amended [22 U.S.C. 1131 et seq.].

(As amended Oct. 19, 1976, Pub. L. 94-564, § 7, 90 Stat. 2661; Oct. 28, 1977, Pub. L. 95-147, § 4(b), 91 Stat. 1229; Nov. 8, 1978, Pub. L. 95-612, §§ 1, 2, 6, 92 Stat. 3091, 3092.)

REFERENCES IN TEXT

For effective date of this paragraph, referred to in subsec. (b)(2), see Effective Date of 1978 Amendment note below.

The Foreign Service Act of 1946, as amended, referred to in subsec. (d), is act Aug. 13, 1946, ch. 957, titles I to X, 60 Stat. 999, as amended. Title IX of the Foreign Service Act of 1946 is classified generally to subchapter IX (§ 1131 et seq.) of chapter 14 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 22 and Tables.

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-612, §§ 1, 6, substituted in first sentence "deposited in the United States Treasury" for "deposited with the Treasurer of the United States", struck out second and third sentences relating to audits of administrative expenses of stabilization fund by General Accounting Office and furnishing of information on such administrative expenses, including access to papers, things, or property belonging to or in use by the United States Government, and prohibited in fourth sentence the use of the fund for payment of administrative expenses; designated the existing provisions, as amended, as par. (1) and added par. (2), respectively.

Subsec. (d). Pub. L. 95-612, § 2, added subsec. (d).

1977—Subsec. (a). Pub. L. 95-147, § 4(b)(1), substituted "necessary, consistent" for "necessary to and consistent" and inserted "regarding orderly exchange arrangements and a stable system of exchange rates: *Provided, however,* That no loan or credit to a foreign government or entity shall be extended by or through

such Fund for more than six months in any twelve-month period unless the President provides a written determination to the Congress that unique or exigent circumstances make such loan or credit necessary for a term greater than six months" following "International Monetary Fund".

Subsec. (b). Pub. L. 95-147, § 4(b)(2), substituted "the purposes prescribed by this section" for "stabilizing the exchange value of the dollar".

1976—Subsec. (a). Pub. L. 94-564 substituted "The Secretary of the Treasury" for "For the purpose of stabilizing the exchange value of the dollar, the Secretary of the Treasury" and "necessary to and consistent with the United States obligations in the International Monetary Fund" for "necessary to carry out the purpose of this section".

EFFECTIVE DATE OF 1978 AMENDMENT

Section 7 of Pub. L. 95-612 provided that: "This Act [amending this section, section 5108 of Title 5, Government Organization and Employees, and section 276c-2 of Title 22, Foreign Relations and Intercourse, and enacting provisions set out as a note under section 5108 of Title 5] shall take effect on October 1, 1978, or on such later date as funds are made available pursuant to appropriation Acts authorized by section 5 of this Act [authorizing appropriations of $24,000,000 for fiscal year 1979; not classified to the Code]."

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-564 effective upon entry into force of the amendments to the Articles of Agreement of the International Monetary Fund approved in Resolution Numbered 31-4 of the Board of Governors of the Fund [Apr. 1, 1978], see section 9 of Pub. L. 94-564, set out as an Effective Date of 1976 Amendment note under section 286a of Title 22, Foreign Relations and Intercourse.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 440, 444, 445, 446, 822b of this title; title 22 sections 276c-2, 286e, 286e-3, 286e-7, 286o.

§ 822b. Rules and regulations

The Secretary of the Treasury is authorized to issue, with the approval of the President, such rules and regulations as the Secretary may deem necessary or proper to carry out the purposes of this Act.

(Jan. 30, 1934, ch. 6, § 11, 48 Stat. 342.)

REFERENCES IN TEXT

This Act, referred to in text, means act Jan. 30, 1934, ch. 6, 48 Stat. 337, known as the Gold Reserve Act of 1934, which enacted sections 315b, 405b, 408a, 408b, 440 to 446, 754a, 754b, 822a, 822b, and 824 of this title, and amended sections 314, 316, 733, 734, 752, 753, 767, 771, 821 of this title and sections 411 to 415, 417, and 467 of Title 12, Banks and Banking.

CODIFICATION

Section is set out in this supplement to correct error in the translation appearing in the main edition.

CHAPTER 14—FINANCIAL CONTROL OF GOVERNMENT CORPORATIONS

SUBCHAPTER II—WHOLLY OWNED GOVERNMENT CORPORATIONS

§ 846. Definition of "wholly owned Government corporation"

PANAMA CANAL COMPANY

The Panama Canal Company, referred to in the text, was replaced by the Panama Canal Commission, an agency in the executive branch of the United States Government, eff. Oct. 1, 1979. See sections 3602 (b)(5), (c) and 3611 of Title 22, Foreign Affairs and Intercourse.

TERMINATION OF CORPORATIONS.

The Virgin Islands Corporation terminated its functions June 30, 1965, and was dissolved July 1, 1966.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1201, 1351 of this title; title 5 sections 4101, 8147; title 7 section 943; title 12 sections 1757, 2293; title 16 section 838i; title 41 sections 403, 601.

SUBCHAPTER III—MIXED-OWNERSHIP GOVERNMENT CORPORATIONS

§ 856. Definition of "mixed-ownership Government corporations"

As used in this chapter the term "mixed-ownership Government corporations" means (1) the Central Bank for Cooperatives and the Regional Banks for Cooperatives, (2) Federal Land Banks, (3) Federal Intermediate Credit Banks, (4) Federal Home Loan Banks, (5) Federal Deposit Insurance Corporation, (6) the National Railroad Passenger Corporation, (7) the Rural Telephone Bank, (8) the United States Railway Association, and[1] (9) the National Credit Union Administration Central Liquidity Facility, and (10) the National Consumer Cooperative Bank.

(As amended Aug. 20, 1978, Pub. L. 95-351, title III, § 301(a), 92 Stat. 513; Nov. 10, 1978, Pub. L. 95-630, title XVIII, § 1805, 92 Stat. 3724.)

CODIFICATION

Amendment by Pub. L. 95-351, which directed in part that the word "and" be struck out preceding cl. (9), was executed by striking out "and" preceding cl. (8), as the probable intent of Congress, in view of the prior repeal of cl. (9) by section 612(b) of Pub. L. 94-210.

Amendment by section 1805(1) of Pub. L. 95-630, which directed that the word "and" be struck out preceding cl. (8), was not executed in view of execution of the amendment by Pub. L. 95-351. See note above.

AMENDMENTS

1978—Pub. L. 95-630 inserted as par. (9) the National Credit Union Administration Central Liquidity Facility in the definition of mixed-ownership Government corporations.

Pub. L. 95-351 inserted as par. (10) the National Consumer Cooperative Bank in the definition of mixed-ownership Government corporations, and redesignated par. (6), relating to Rural Telephone Bank, as par. (7), which change had been editorially made prior to this amendment for purposes of codification.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-630 effective Oct. 1, 1979, see section 1806 of Pub. L. 95-630, set out as an Effective Date note under section 1795 of Title 12, Banks and Banking.

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[1] So in original. The word "and" probably should be deleted.

SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

§ 867. Depositary for banking or checking accounts; exemption of temporary accounts and accounts of certain corporations

The banking or checking accounts of all wholly owned and mixed-ownership Government corporations shall be kept with the Treasurer of the United States, or, with the approval of the Secretary of the Treasury, with a Federal Reserve bank, or with a bank designated as a depositary or fiscal agent of the United States: *Provided*, That the Secretary of the Treasury may waive the requirements of this section under such conditions as he may determine: *And provided further*, That this section will not apply to the establishment and maintenance in any bank for a temporary period of banking and checking accounts not in excess of $50,000 in any one bank. The provisions of this section shall not be applicable to Federal Intermediate Credit Banks, the Central Bank for Cooperatives, the Regional Banks for Cooperatives, the Federal Land Banks, or the National Consumer Cooperative Bank, except that each such corporation shall be required to report annually to the Secretary of the Treasury the names of the depositaries in which such corporation keeps a banking or checking account, and the Secretary of the Treasury may make a report in writing to the corporation, to the President, and to the Congress which he deems advisable upon receipt of any such annual report.

(As amended Aug. 20, 1978, Pub. L. 95-351, title III, § 301(b), 92 Stat. 514.)

AMENDMENTS

1978—Pub. L. 95-351 added reference to the National Consumer Cooperative Bank.

§ 868. Bonds, notes, and debentures, etc.

[*See main edition for text of (a) to (c)*]

(d) Exemption of corporations under certain conditions; exemption of certain corporations

Any mixed-ownership Government corporation from which Government capital has been entirely withdrawn shall not be subject to the provisions of section 867 of this title or of this section during the period such corporation remains without Government capital. The provisions of subsections (a) and (b) of this section shall not be applicable to the National Consumer Cooperative Bank, Rural Telephone Bank, Federal Intermediate Credit Banks, the Central Bank for Cooperatives, the Regional Banks for Cooperatives, or the Federal Land Banks, except that each such corporation shall be required to consult with the Secretary of the Treasury prior to taking any action of the kind covered by the provisions of subsections (a) and (b) of this section, and in the event an agreement is not reached, the Secretary of the Treasury may make a report in writing to the corporation, to the President, and to the Congress stating the grounds for his disagreement.

(As amended Aug. 20, 1978, Pub. L. 95-351, title III, § 301(c), 92 Stat. 514.)

AMENDMENTS

1978—Subsec. (d). Pub. L. 95-351 added reference to the National Consumer Cooperative Bank.

CHAPTER 18—COMPROMISE AND COLLECTION OF FEDERAL CLAIMS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 20 section 1234a; title 42 section 5042.

CHAPTER 20—DEPARTMENT OF THE TREASURY

Sec.
1038. Investment of public moneys [New].

§ 1002. General duties of Secretary of Treasury

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to the Secretary of the Treasury, see Parts 1, 3, and 30 of Ex. Ord. No. 11490, Oct. 28, 1969, 34 F.R. 17567, set out as a note under section 2251 of Title 50, Appendix, War and National Defense.

§ 1027. Reports of Secretary of Treasury

CODIFICATION

The third par. of R.S. § 257, which provided for a report on rules and regulations of the Secretary of the Treasury on imported goods, wares, and merchandise, was omitted as obsolete because R.S. § 252 (authorizing those rules and regulations) was repealed by act Feb. 27, 1877, ch. 69, 19 Stat. 241.

The fourth par. of R.S. § 257, which provided for a report on amounts of hospital taxes collected from sick and disabled seamen, was omitted as obsolete because the tax was repealed by act June 26, 1884, ch. 121, § 15, 23 Stat. 57.

§ 1038. Investment of public moneys

The Secretary of the Treasury is authorized, for cash management purposes, to invest any portion of the Treasury's operating cash for periods of up to ninety days in (1) obligations of depositaries maintaining Treasury tax and loan accounts secured by a pledge of collateral acceptable to the Secretary of the Treasury as security for tax and loan accounts, and (2) obligations of the United States and of agencies of the United States: *Provided*, That the authority granted under this section shall not be construed as requiring the Secretary of the Treasury to invest any or all of the cash balance held in any particular account: *Provided further*, That the authority granted under this section shall not be construed as permitting the Secretary of the Treasury to require the sale of such obligations by any particular person, dealer, or financial institution. Investments in obligations of depositaries maintaining such accounts shall be made at rates of interest prescribed by the Secretary of the Treasury, after taking into consideration prevailing market rates of interest.

(Pub. L. 95-147, § 1, Oct. 28, 1977, 91 Stat. 1227.)

CHAPTER 21—REPORTS OF CURRENCY AND FOREIGN TRANSACTIONS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 12 sections 1829b, 3401.

SUBCHAPTER IV—FOREIGN CURRENCY REPORTS

§ 1141. Congressional statement of findings

REFERENCE IN TEXT

Section 95a of title 12, referred to in text, in the original read "section 5(b) of the Emergency Banking Act of 1933 (12 U.S.C. 95a)". The reference probably should have been to section 5(b) of the Trading With the Enemy Act, which Act was amended by section 2 of the Emergency Banking Act of 1933. Such section 5(b) is classified to both section 92a of Title 15 and section 5(b) of Title 50, Appendix.

CHAPTER 22—FISCAL AND BUDGETARY INFORMATION AND CONTROLS

SUBCHAPTER I—FISCAL, BUDGETARY, AND PROGRAM-RELATED DATA AND INFORMATION

§ 1156. Preservation of existing authorities and duties under Budget and Accounting and other statutes

Nothing contained in this Act shall be construed as impairing any authority or responsibility of the Secretary of the Treasury, the Director of the Office of Management and Budget, and the Comptroller General of the United States under the Budget and Accounting Act, 1921, as amended [31 U.S.C. 1 et seq.], and the Budget and Accounting Procedures Act of 1950, as amended, or any other statutes.

(Pub. L. 91-510, title II, § 206, Oct. 26, 1970, 84 Stat. 1168.)

CODIFICATION

Section is set out in this supplement to correct typographical error appearing in the main edition.

CHAPTER 24—FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1351 of this title; title 40 section 461; title 42 sections 1315, 5302, 6101, 6727.

SUBCHAPTER I—ALLOCATION AND PAYMENT OF FUNDS

§ 1225. Allocation among States

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1227, 1228 of this title; title 42 section 603.

SUBCHAPTER II—ADMINISTRATIVE PROVISIONS

§ 1242. Nondiscrimination provisions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1241, 1244, 1263 of this title; title 42 section 6727.

§ 1244. Private civil actions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1242 of this title; title 42 section 6727.

§ 1245. Investigations and compliance reviews; regulations

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 6727.

SUBCHAPTER III—GENERAL PROVISIONS

§ 1261. Definitions and special rules

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 6723.

CHAPTER 25—CONGRESSIONAL BUDGET AND FISCAL OPERATIONS

§ 1302. Definitions

For purposes of this Act—

(1) The terms "budget outlays" and "outlays" mean, with respect to any fiscal year, expenditures and net lending of funds under budget authority during such year.

(2) The term "budget authority" means authority provided by law to enter into obligations which will result in immediate or future outlays involving Government funds, except that such term does not include authority to insure or guarantee the repayment of indebtedness incurred by another person or government.

(3) The term "tax expenditures" means those revenue losses attributable to provisions of the Federal tax laws which allow a special exclusion, exemption, or deduction from gross income or which provide a special credit, a preferential rate of tax, or a deferral of tax liability; and the term "tax expenditures budget" means an enumeration of such tax expenditures.

(4) The term "concurrent resolution on the budget" means—

(A) a concurrent resolution setting forth the congressional budget for the United States Government for a fiscal year as provided in section 1322 of this title;

(B) a concurrent resolution reaffirming or revising the congressional budget for the United States Government for a fiscal year as provided in section 1331 of this title; and

(C) any other concurrent resolution revising the congressional budget for the United States Government for a fiscal year as described in section 1325 of this title.

(5) The term "appropriation Act" means an Act referred to in section 105 of title 1.

(As amended Pub. L. 95-110, § 1, Sept. 20, 1977, 91 Stat. 884.)

AMENDMENTS

1977—Pub. L. 95-110 struck out the designation "(a)" preceding "For the purpose of this chapter" and struck out subsec. (b), which provided that the members of the respective houses of the Congress who were members of the Joint Committee on Atomic Energy were to be treated as standing committees of their respective houses of the Congress.

SUBCHAPTER I—BUDGET PROCESS

§ 1322. Adoption of first concurrent resolution

(a) Action to be completed by May 15

On or before May 15 of each year, the Congress shall complete action on the first concurrent resolution on the budget for the fiscal year beginning on October 1 of such year. The concurrent resolution shall set forth—

[*See main edition for text of (1) to (4)*]

(5) the appropriate level of the public debt, and the amount, if any, by which the statutory limit on the public debt should be increased or decreased by bills and resolutions to be reported by the appropriate committees;

(6) if required by subsection (e) of this section, the calendar year in which, in the opinion of the Congress, the goals for reducing unemployment set forth in section 4(b) of the Employment Act of 1946 [15 U.S.C. 1022a(b)] should be achieved; and

(7) such other matters relating to the budget as may be appropriate to carry out the purposes of this Act.

[*See main edition for text of (b) and (c)*]

(d) Hearings and report

In developing the first concurrent resolution on the budget referred to in subsection (a) of this section for each fiscal year, the Committee on the Budget of each House shall hold hearings and shall receive testimony from Members of Congress and such appropriate representatives of Federal departments and agencies, the general public, and national organizations as the committee deems desirable. Each of the recommendations as to short-term and medium-term goals set forth in the report submitted by the members of the Joint Economic Committee under subsection (c) of this section may be considered by the Committee on the Budget of each House as part of its consideration of such concurrent resolution, and its report may reflect its views thereon, and on how the estimates of revenues and levels of budget authority and outlays set forth in such concurrent resolution are designed to achieve any goals it is recommending. On or before April 15 of each year, the Committee on the Budget of each House shall report to its House the first concurrent resolution on the budget referred to in subsection (a) of this section for the fiscal year beginning on October 1 of such year. The report accompanying such concurrent resolution shall also include, but not be limited to—

[*See main edition for text of (1) to (8)*]

(e) Achievement of goals for reducing unemployment

(1) If, pursuant to section 4(c) of the Employment Act of 1946, as amended [15 U.S.C. 1022a(c)], the President recommends in the Economic Report that the goals for reducing unemployment set for in section 4(b) of such Act [15 U.S.C. 1022a(b)] be achieved in a year after the close of the five-year period prescribed by such subsection, the first concurrent resolution on the budget for the fiscal year beginning after the date on which such Economic Report is received by the Congress may set forth the year in which, in the opinion of the Congress, such goals can be achieved.

(2) After the Congress has expressed its opinion pursuant to paragraph (1) as to the year in which the goals for reducing unemployment set forth in section 4(b) of the Employment Act of 1946, as amended [15 U.S.C. 1022a(b)] can be achieved, if, pursuant to section 4(e) of such Act [15 U.S.C. 1022a(e)], the President recommends in the Economic Report that such goals be achieved in a year which is different from the year in which the Congress has expressed its opinion that such goals should be achieved, either in its action pursuant to paragraph (1) or its most recent action pursuant to this paragraph, the first concurrent resolution on the budget for the fiscal year beginning after the date on which such Economic Report is received by the Congress may set forth the year in which, in the opinion of the Congress, such goals can be achieved.

(3) It shall be in order to amend the provision of such resolution setting forth such year only if the amendment thereto also proposes to alter the estimates, amounts, and levels (as described in subsection (a) of this section) set forth in such resolution in germane fashion in order to be consistent with the economic goals (as described in sections 3(a)(2) and 4(b) of the Employment Act of 1946 [15 U.S.C. 1022(a)(2) and 1022a(b)]) which such amendment proposes can be achieved by the year specified in such amendment.

(As amended Pub. L. 95–523, title III, §§ 303(a), 304, Oct. 27, 1978, 92 Stat. 1905, 1906.)

References in Text

This Act, referred to in subsecs. (a)(7) and (b)(2), means Pub. L. 93–344, July 12, 1974, 88 Stat. 297, known as the Congressional Budget and Impoundment Control Act of 1974, which enacted sections 11a, 11b, 11c, 11d, 1020a, 1301 to 1353, and 1401 to 1407 of this title and sections 190a–3 and 601 to 603 of Title 2, The Congress, amended sections 11, 665, 701, 1020, 1151, 1152, 1153 and 1154 of this title, section 105 of Title 1, General Provisions, sections 190b and 190d of Title 2, repealed sections 571 and 581c–1 of this title and sections 66 and 81 of Title 2, and enacted provisions set out as notes under sections 1020, 1301, 1322, and 1401 of this title, section 105 of Title 1, and section 190a–1 of Title 2. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

Codification

Amendments to this section by section 303(a) of Pub. L. 95–523 have been executed to subsec. (d) of this section, as the probable intent of Congress, notwithstanding the directory language of section 303(a) of Pub. L. 95–523 that such amendments be executed to subsec. (c) of this section.

Amendments

1978—Subsec. (a). Pub. L. 95–523, § 304(a), redesignated former par. (6) as (7) and added par. (6).

Subsec. (d). Pub. L. 95–523, § 303(a), added provisions relating to the consideration by the Committee on the Budget of each House respecting the short-term and medium-term goals set forth in the Joint Economic Committee report and the reflection of its views in its report and inserted "also" following "concurrent resolution shall". See Codification note above.

Subsec. (e). Pub. L. 95–523, § 304(b), added subsec. (e).

BALANCED FEDERAL BUDGETS; CONGRESSIONAL BUDGET COMMITTEE REPORTS BY APRIL 15, 1979, 1980, AND 1981, OF BALANCED FISCAL YEAR BUDGETS FOR 1981 AND 1982

Pub. L. 96-5, § 5, Apr. 2, 1979, 93 Stat. 8, provided that: "Congress shall balance the Federal budget. Pursuant to this mandate, the Budget Committees shall report, by April 15, 1979, a fiscal year budget for 1981 that shall be in balance, and also a fiscal year budget for 1982 that shall be in balance, and by April 15, 1980, a fiscal year budget for 1981 that shall be in balance, and by April 15, 1981, a fiscal year budget for 1982 that shall be in balance; and the Budget Committees shall show the consequences of each budget on each budget function and on the economy, setting forth the effects on revenues, spending, employment, inflation, and national security."

§ 1326. Consideration of concurrent resolutions on the budget

(a) Procedure in House of Representatives after report of Committee; debate

[*See main edition for text of (1)*]

(2) General debate on any concurrent resolution on the budget in the House of Representatives shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority parties, plus such additional hours of debate as are consumed pursuant to paragraph (3). A motion further to limit debate is not debatable. A motion to recommit the concurrent resolution is not in order, and it is not in order to move to reconsider the vote by which the concurrent resolution is agreed to or disagreed to.

(3) Following the presentation of opening statements on the first concurrent resolution on the budget for a fiscal year by the chairman and ranking minority member of the Committee on the Budget of the House, there shall be a period of up to four hours for debate on economic goals and policies.

(4) Only if a concurrent resolution on the budget reported by the Committee on the Budget of the House sets forth the economic goals (as described in sections 1022(a)(2) and 1022a(b) of title 15) which the estimates, amounts, and levels (as described in section 1322(a) of this title) set forth in such resolution are designed to achieve, shall it be in order to offer to such resolution an amendment relating to such goals, and such amendment shall be in order only if it also proposes to alter such estimates, amounts, and levels in germane fashion in order to be consistent with the goals proposed in such amendment.

(5) Consideration of any concurrent resolution on the budget by the House of Representatives shall be in the Committee of the Whole, and the resolution shall be read for amendment under the five-minute rule in accordance with the applicable provisions of rule XXIII of the Rules of the House of Representatives. After the Committee rises and reports the resolution back to the House, the previous question shall be considered as ordered on the resolution and any amendments thereto to final passage without intervening motion; except that it shall be in order at any time prior to final passage (notwithstanding any other rule or provision of law) to adopt an amendment (or a series of amendments) changing any figure or figures in the resolution as so reported to the extent necessary to achieve mathematical consistency.

(6) Debate in the House of Representatives on the conference report or any concurrent resolution on the budget shall be limited to not more than 5 hours, which shall be divided equally between the majority and minority parties. A motion further to limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(7) Motions to postpone, made with respect to the consideration of any concurrent resolution on the budget, and motions to proceed to the consideration of other business, shall be decided without debate.

(8) Appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to any concurrent resolution on the budget shall be decided without debate.

(b) Procedure in Senate after report of Committee; debate; amendments

[*See main edition for text of (1) and (2)*]

(3) Following the presentation of opening statements on the first concurrent resolution on the budget for a fiscal year by the chairman and ranking minority member of the Committee on the Budget of the Senate, there shall be a period of up to four hours for debate on economic goals and policies.

(4) Only if a concurrent resolution on the budget reported by the Committee on the Budget of the Senate sets forth the economic goals (as described in sections 1022(a)(2) and 1022a(b) of title 15), which the estimates, amounts, and levels (as described in section 1322(a) of this title) set forth in such resolution are designed to achieve, shall it be in order to offer to such resolution an amendment relating to such goals, and such amendment shall be in order only if it also proposes to alter such estimates, amounts, and levels in germane fashion in order to be consistent with the goals proposed in such amendment.

(5) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed 3, not counting any day on which the Senate is not in session) is not in order. Debate on any such motion to recommit shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution.

(6) Notwithstanding any other rule, an amendment, or series of amendments, to a concurrent resolution on the budget proposed in the Senate shall always be in order if such amendment or series of amendments proposes to change any figure or figures then contained in such concurrent resolution so as to make such concurrent resolution mathematically consistent or so as to maintain such consistency.

[*See main edition for text of (c) to (e)*]

(As amended Pub. L. 95-523, title III, § 303(b), (c), Oct. 27, 1978, 92 Stat. 1905, 1906.)

CODIFICATION

Existing pars. (3) to (6) of subsec. (a) were renumbered (5) to (8), respectively, as the probable intent of Congress, notwithstanding the language of section 303(b)(2) of Pub. L. 95-523 directing that existing pars. (3) to (6) be redesignated (6) to (9), respectively.

Existing pars. (3) and (4) of subsec. (b) were renumbered (5) and (6), respectively, as the probable intent of Congress, notwithstanding the language of section 303(c)(1) of Pub. L. 95-523 directing that existing pars. (3) and (4) be redesignated (6) and (7), respectively.

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-523, § 303(b), inserted in par. (2) ", plus such additional hours of debate as are consumed pursuant to paragraph (3)" following "and minority parties", added pars. (3) and (4) and redesignated former pars. (3) to (6) as (5) to (8), respectively. See Codification note above.

Subsec. (b). Pub. L. 95-523, § 303(c), added pars. (3) and (4) and redesignated former pars. (3) and (4) as (5) and (6), respectively. See Codification note above.

SUBCHAPTER II—FISCAL PROCEDURES

§ 1351. Bills providing new spending authority

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1322, 1324, 1330, 1331, 1332, 1352 of this title; title 16 section 1608; title 22 section 3671; title 45 section 829.

CHAPTER 26—IMPOUNDMENT CONTROL

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 665 of this title; title 22 section 3224a.

§ 1404. Transmission of messages; publication

CODIFICATION

Typographical error appears in the credits of this section in the main edition. The date of Pub. L. 93-344 should be July 12, 1974.

§ 1407. Procedure in House of Representatives and Senate

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1401 of this title; title 22 section 3224a; title 45 sections 721, 726.

CHAPTER 27—FINANCIAL ASSISTANCE TO NEW YORK CITY

SUBCHAPTER I—SEASONAL FINANCING

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SUBCHAPTER I—SEASONAL FINANCING

§ 1501. Congressional findings and declarations

SHORT TITLE

Section 1 of Pub. L. 94-143 provided that: "This Act [enacting this subchapter] may be cited as 'New York City Seasonal Financing Act of 1975'."

§ 1502. Definitions

As used in this subchapter:

(a) "City" and "State" mean the city and State of New York, respectively.

(b) "Financing agent" means any agency duly authorized by State law to act on behalf or in the interest of the city with respect to the city's financial affairs.

(c) "Secretary" means the Secretary of the Treasury.

(Pub. L. 94-143, § 3, Dec. 9, 1975, 89 Stat. 797.)

CODIFICATION

Section is set out in this supplement to change "this chapter" to "this subchapter" to reflect the enactment of the New York City Loan Guarantee Act of 1978, which is classified to subchapter II of this chapter.

§ 1503. Loans

(a) Upon written request of the city or a financing agent, the Secretary may make loans to the city or such financing agent subject to the provisions of this subchapter, but in the case of any loan to a financing agent, the city and such agent shall be jointly and severally liable thereon.

(b) Each such loan shall mature not later than the last day of the city's fiscal year in which it was made, and shall bear interest at an annual rate 1 per centum per annum greater than the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturities of such loan, as determined by the Secretary at the time of the loan.

(Pub. L. 94-143, § 4, Dec. 9, 1975, 89 Stat. 797.)

CODIFICATION

Section is set out in this supplement to change "this chapter" to "this subchapter" to reflect the enactment of the New York City Loan Guarantee Act of 1978, which is classified to subchapter II of this chapter.

§ 1504. Security for loans

In connection with any loan under this subchapter, the Secretary may require the city and any financing agent and, where he deems necessary, the State, to provide such security as he deems appropriate. The Secretary may take such steps as he deems necessary to realize upon any collateral in which the United States has a security interest pursuant to this section to enforce any claim the United States may have against the city or any financing agent pursuant to this subchapter. Notwithstanding any other provision of law, Acts making appropriations may provide for the withholding of any payments from the United States to the city, either directly or through the State, which may be or may become due pursuant to any law and offset the amount of such withheld payments against any claim the Secretary may have against the city or any financing agent pursuant to this subchapter. With respect to debts incurred pursuant to this subchapter, for the purposes of section 191 of this title the term "person" includes the city or any financing agent.

(Pub. L. 94-143, § 5, Dec. 9, 1975, 89 Stat. 797.)

CODIFICATION

Section is set out in this supplement to change "this chapter" to "this subchapter" to reflect the enactment of the New York City Loan Guarantee Act of 1978, which is classified to subchapter II of this chapter.

§ 1505. Requirements for making loan

(a) Prospect of repayment; terms and conditions

A loan may be made under this subchapter only if the Secretary determines that there is a reasonable prospect of repayment of the loan in accordance with its terms and conditions. In making the loan, the Secretary may require such terms and conditions as he may deem appropriate to insure repayment. The Secretary is authorized to agree to any modification, amendment, or waiver of any such term or condition as he deems desirable to protect the interests of the United States.

(b) Limitation

At no time shall the amount of loans outstanding under this subchapter exceed in the aggregate $2,300,000,000.

(c) Repayment and compliance with terms of prior loans

No loan shall be provided under this subchapter unless (1) the city and all financing agents shall have repaid according to their terms all prior loans under this subchapter which have matured, and (2) the city and all financing agents shall be in compliance with the terms of any such outstanding loans.

(Pub. L. 94-143, § 6, Dec. 9, 1975, 89 Stat. 798.)

CODIFICATION

Section is set out in this supplement to change "this chapter" to "this subchapter" to reflect the enactment of the New York City Loan Guarantee Act of 1978, which is classified to subchapter II of this chapter.

§ 1506. Remedies

The remedies of the Secretary prescribed in this subchapter shall be cumulative and not in limitation of or substitution for any other remedies available to the Secretary or the United States.

(Pub. L. 94-143, § 7, Dec. 9, 1975, 89 Stat. 798.)

CODIFICATION

Section is set out in this supplement to change "this chapter" to "this subchapter" to reflect the enactment of the New York City Loan Guarantee Act of 1978, which is classified to subchapter II of this chapter.

§ 1507. Funding

(a) New York City Seasonal Financing Fund; establishment; administration; authorization of appropriations

There is hereby established in the Treasury a New York City Seasonal Financing Fund to be administered by the Secretary. The fund shall be used for the purpose of making loans pursuant to this subchapter. There is authorized to be appropriated to such fund the sum of $2,300,000,000. All funds received by the Secretary in the payment of principal of any loan made under this subchapter shall be paid into the fund. All income from loans and investments made from the fund shall be covered into the Treasury as miscellaneous receipts. Moneys in the fund not needed for current operations may be invested in direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof. After all loans made pursuant to this subchapter have been repaid, the balance of the fund shall be returned to the general fund of the Treasury.

(b) Authority to sell, assign, or otherwise transfer notes to the Federal Financing Bank

The Secretary is authorized to sell, assign, or otherwise transfer from the fund any note or other evidence of any loan made pursuant to this subchapter to the Federal Financing Bank and, in addition to its other powers, such Bank is authorized to purchase, receive, or otherwise acquire the same.

(c) Authorization of appropriations for expenses of administration

There are authorized to be appropriated such sums as may be necessary to pay the expenses of administration of this subchapter.

(Pub. L. 94-143, § 8, Dec. 9, 1975, 89 Stat. 798.)

CODIFICATION

Section is set out in this supplement to change "this chapter" to "this subchapter" to reflect the enactment of the New York City Loan Guarantee Act of 1978, which is classified to subchapter II of this chapter.

§ 1508. Inspection of documents

At any time a request for a loan is pending or a loan is outstanding under this subchapter, the Secretary is authorized to inspect and copy all accounts, books, records, memorandums, correspondence, and other documents of the city or any financing agent relating to its financial affairs.

(Pub. L. 94-143, § 9, Dec. 9, 1975, 89 Stat. 799.)

CODIFICATION

Section is set out in this supplement to change "this chapter" to "this subchapter" to reflect the enactment of the New York City Loan Guarantee Act of 1978, which is classified to subchapter II of this chapter.

§ 1509. Audits

(a)[1] No loan may be made under this subchapter for the benefit of any State or city unless the General Accounting Office is authorized to make such audits as may be deemed appropriate by either the Secretary or the General Accounting Office of all accounts, books, records, and transactions of the State, the political subdivision, if any, involved, and any agency or instrumentality of such State or political subdivision. The General Accounting Office shall report the results of any such audit to the Secretary and to the Congress.

(Pub. L. 94-143, § 10, Dec. 9, 1975, 89 Stat. 799.)

CODIFICATION

Section is set out in this supplement to change "this chapter" to "this subchapter" to reflect the enactment of the New York City Loan Guarantee Act of 1978, which is classified to subchapter II of this chapter.

§ 1510. Termination

The authority of the Secretary to make any loan under this subchapter terminates on June 30, 1978. Such termination does not affect the carrying out of any transaction entered into pursuant to this subchapter prior to that date, or the taking of any action necessary to preserve or protect the interests of the United States arising out of any loan under this subchapter.

(Pub. L. 94-143, § 11, Dec. 9, 1975, 89 Stat. 799.)

CODIFICATION

Section is set out in this supplement to change "this chapter" to "this subchapter" to reflect the enactment of the New York City Loan Guarantee Act of 1978, which is classified to subchapter II of this chapter.

SUBCHAPTER II—LOAN GUARANTEES [NEW]

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 12 section 2285a; title 26 section 103.

[1] So in original. There is no subsec. (b).

§ 1521. Definitions

For the purpose of this subchapter, the term—

(1) "city" means the city of New York;

(2) "State" means the State of New York;

(3) "Secretary" means the Secretary of the Treasury;

(4) "independent fiscal monitor" means an agency, board, or other entity authorized by the law of the State which has the authority to control the fiscal affairs of the city during the entire period for which assistance under this subchapter will be outstanding and which authority the State has covenanted will not be substantially impaired during such period;

(5) "financing agent" means any agency or instrumentality of the State duly authorized by the law of the State to act on behalf of or in the interest of the city, and no other subdivision of the State, with respect to the city's financial affairs;

(6) "city indebtedness" means indebtedness for borrowed money of (A) a financing agent, but only if the proceeds thereof are advanced to or applied for the benefit of the city, or (B) the city; and

(7) "fiscal year" means a fiscal year of the city, except in section 1531 of this title.

(Pub. L. 95-339, title I, § 101, Aug. 8, 1978, 92 Stat. 460.)

SHORT TITLE

Section 1 of Pub. L. 95-339 provided that: "This Act [enacting this subchapter and section 2285a of Title 12, Banks and Banking, amending section 103 of Title 26, Internal Revenue Code, and enacting provisions set out as a note under section 103 of Title 26] may be cited as the 'New York City Loan Guarantee Act of 1978'."

§ 1522. Guarantee authority

(a) Written request of city and Governor to Secretary required; discretionary authority of Secretary; duration of guarantee

Upon the written request of the city and the Governor of the State, the Secretary may guarantee the payment, in whole or in part, of interest, principal, or both, of city indebtedness in accordance with this subchapter, but any such guarantee shall cease to be effective not later than fifteen years after the date of the issuance of the city indebtedness involved.

(b) Type of indebtedness subject to guarantee; termination of guarantee

A guarantee under this subchapter is effective only with respect to city indebtedness which is issued or is to be issued to employee pension funds of the city or of the State, or of any agency of the city or of the State, and shall terminate whenever such indebtedness is sold or otherwise disposed of by such a fund (other than to a successor in interest not involving a change in beneficial ownership).

(c) Assessment, collection, and computation of guarantee fee; payment into Treasury; escalation of fee

Whenever the payment of principal and interest on city indebtedness is guaranteed under

this subchapter, the Secretary shall assess and collect from the issuer, no less frequently than annually, a guarantee fee computed daily at a rate of no less than one-half of 1 per centum per annum on the outstanding principal amount of city indebtedness guaranteed hereunder. All funds received by the Secretary in payment of such fees shall be paid into the general fund of the Treasury. The Secretary may periodically escalate the guarantee fee to induce the obligor to enter the public credit markets.

(Pub. L. 95-339, title I, § 102, Aug. 8, 1978, 92 Stat. 460.)

§ 1523. Conditions of eligibility

The Secretary may make guarantees under this subchapter only if—

(1) there is a reasonable prospect of repayment of the city indebtedness to be guaranteed in accordance with its terms and conditions;

(2) the Secretary determines that the city is effectively unable to obtain credit in the public credit markets or elsewhere in amounts and terms sufficient to meet the city's financing needs;

(3) the interest rate on such city indebtedness is reasonable, taking into consideration current average market yields for other obligations guaranteed by the United States;

(4) during the four-year period ending June 30, 1982, the long-term and seasonal borrowing needs of the city (other than borrowing assisted or to be assisted under this subchapter) will be met through commitments from the State, an agency of the State, private sources, or through public credit markets, in amounts which will be sufficient to enable the city, when the guarantee authority conferred by this subchapter has terminated, to meet all of its long-term and seasonal borrowing needs through the public credit markets, and for the purpose of making such determination, the Secretary may assume that all other conditions under this section are and will be fulfilled;

(5)(A) the independent fiscal monitor is requiring the city to adopt and adhere to budgets covering all expenditures other than capital items, the results of which would not, for fiscal years of the city beginning after June 30, 1981, show a deficit when reported in accordance with generally accepted accounting principles and, for fiscal years of the city beginning on or prior thereto but after June 30, 1978, to make substantial progress toward that goal, and, for each fiscal year of the city beginning prior to June 30, 1981, but after June 30, 1978, is requiring the city to adopt and adhere to budgets covering all expenditures other than capital items, the results of which would not show a deficit when reported in accordance with accounting principles established under State law;

(B) the city has submitted to the Secretary, with the approval of the independent fiscal monitor, in such detail and in accordance with such accounting principles as the Secretary may prescribe, a plan for bringing all of its expenditures other than capital items into balance with its revenues for each of the first three full fiscal years of the city beginning after June 30, 1978, and the city agrees to publish, after the completion of each fiscal year covered by the plan, an analysis reconciling its actual revenues and expenditures with projected revenues and expenditures, and to publish periodic projections which reflect the impact of the plan on tax rates; and

(C) the city submits, with the approval of the independent fiscal monitor, in such detail as the Secretary may prescribe and in accordance with generally accepted accounting principles, a plan for bringing all of its expenditures other than capital items into balance with its revenues no later than the final fiscal year of the four year period which begins with the fiscal year beginning July 1, 1978, and the city is required, on or before the first day of each fiscal year thereafter during which city indebtedness guaranteed under this subchapter is outstanding, to have prepared and submit a plan covering the four year period beginning with such fiscal year which will result in budgets which would not show a deficit when reported in accordance with accounting principles set forth in subparagraph (A);

(6) the independent fiscal monitor demonstrates to the satisfaction of the Secretary that it has the authority to control the fiscal affairs of the city for the entire period during which assistance under this subchapter will be outstanding;

(7) the city has agreed—

(A) to obtain and submit to the Secretary, as soon as practicable after the close of each fiscal year of the city during which the Secretary may make guarantees under this subchapter or during which any city indebtedness guaranteed hereunder is outstanding, an opinion of independent public accountants setting forth the results of an audit by such accountants of the financial statements of the city for such fiscal year, which opinion shall describe any deviation in the preparation of such financial statements from generally accepted accounting principles applicable to governmental bodies and shall state that the audit of such financial statements was made in accordance with generally accepted auditing standards and accordingly included such tests of the accounting records and such other auditing procedures as were considered necessary under the circumstances; and

(B) to establish an audit committee which shall assist in the determination of areas of inquiry for, review the progress of, and evaluate the results of, audits to be conducted by such independent public accountants, and which shall consist of the mayor of the city, the comptroller of the city, the president of the city council, two individuals with expertise in municipal finance, and two officers or employees of two different firms of independent public accountants which are not engaged either by the city or by the comptroller of the city, such individ-

uals and such officers or employees of such firms to be selected by the independent fiscal monitor;

(8)(A) in the case of guarantees issued after June 30, 1979, the State has furnished to the Secretary satisfactory assurances that the amount of financial assistance to be provided by the State to the city during the fiscal year in which such guarantee is to be issued will not be less than the amount of such assistance which was provided during the fiscal year ending June 30, 1979, except during any fiscal year for which the city has presented a budget which the Secretary has determined is balanced in accordance with generally accepted accounting principles; and

(B) the State or an agency of the State, subject to and in accordance with applicable State law, when any guarantee hereunder is made by the Secretary, shall deposit in a fund approved by the Secretary, an amount which, together with all amounts previously so deposited in such fund, shall equal not less than 5 per centum of the principal of and of one year's interest on the then outstanding city indebtedness then guaranteed under this subchapter, and which shall, under the direction of the Secretary, be used to pay, or to reimburse the Treasury for paying, principal and interest which the city fails to pay, the payment of which is guaranteed under this subchapter, but in no case will the fund be used to pay or reimburse an amount in excess of 5 per centum of the principal amount of and of one year's interest on all guaranteed city indebtedness outstanding on the date of the failure;

(9) the city has agreed, in addition to other efforts undertaken by the city to increase employee productivity, to establish a productivity council (A) which shall consist of representatives of the city government and of city employee unions, (B) which shall develop and seek to implement methods for enhancing the productivity of the city's labor force, and (C) which shall have a representative of the independent fiscal monitor as an observer, and the independent fiscal monitor shall review and report, not less than annually, on the development and implementation of such methods, such report to be published and made available to the public, and transmitted to the Secretary;

(10) the city has agreed to offer to sell for distribution to the public its short-term notes in fiscal years 1980, 1981, and 1982 and its long-term bonds in fiscal years 1981 and 1982, unless the Secretary determines that any such offer would be inconsistent with the financial interests of the city;

(11) the city has agreed that—

(A) following the fiscal year ending June 30, 1982, and during any fiscal year thereafter in which a guarantee under this subchapter is outstanding, the city will pay or provide for the payment of city indebtedness than guaranteed hereunder, giving priority to city indebtedness having the longest maturity or maturities, in a principal amount not less than 15 per centum of the net proceeds of city indebtedness issued in public credit markets during such year, except that the Secretary may modify or waive such 15 per centum requirement to the extent he determines that its application (i) would substantially impair the city's ability to meet its essential capital needs, or (ii) would substantially overburden the market for long-term city indebtedness; and

(B) as soon as practicable after the Secretary determines that the city has demonstrated its ability to meet its long-term credit needs through public credit markets, the city will implement a program satisfactory to the Secretary of refunding any outstanding city indebtedness guaranteed under this subchapter for the purpose of achieving complete repayment of such indebtedness at the earliest practicable date, taking into consideration such factors as the Secretary deems appropriate, including the effect of such refunding on the city's need to maintain the city's continued access to public credit markets for its long-term credit needs; and

(12) the city and the State are meeting their respective obligations under this section.

Any determination by the Secretary that the conditions set forth in this section have been met shall be conclusive, such determination to be evidenced by the making of such guarantee, and the validity of any guarantee so made shall be incontestable in the hands of the holder of such city indebtedness, except for fraud or material misrepresentation on the part of such holder. The Secretary is authorized to determine the manner in which such guarantees will be issued and, in addition to the terms and conditions required by this section, to require from, or agree to with, the city, a financing agent, the holders of the city indebtedness guaranteed, and any other party in interest such other terms and conditions as he may deem appropriate, including provision of security for the repayment of amounts paid pursuant to any guarantee under this subchapter. Any such other term or condition may be modified, amended, or waived in the discretion of the Secretary.

(Pub. L. 95-339, title I, § 103, Aug. 8, 1978, 92 Stat. 461.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1524 of this title.

§ 1524. Limitations on guarantee authority; additional authority

(a)(1) The authority of the Secretary to extend guarantees under this subchapter shall not at any time exceed $1,650,000,000 in the aggregate principal amount outstanding.

(2) During the fiscal year beginning on July 1, 1978, not to exceed $750,000,000 shall be available for the guarantee of city indebtedness—

(A) of which not to exceed $500,000,000 shall be available for the guarantee of city indebtedness maturing more than one year after its date of issuance, and

(B) of which not to exceed $325,000,000 shall be available for the guarantee of city indebtedness maturing in one year or less after its date of issuance, but only to the extent authorized by the provisions of subsection (b) of this section.

(3) During the fiscal year beginning on July 1, 1979, not to exceed the sum of—

(A) $250,000,000, and

(B) $750,000,000 reduced by the principal amount of city indebtedness guaranteed prior to July 1, 1979, and outstanding on the date on which the guarantees are made under this paragraph,

shall be available for the guarantee of city indebtedness maturing more than one year after its date of issuance, except that no guarantees may be made under this paragraph if prior to July 1, 1979, either the Senate or the House of Representatives agrees to a resolution stating in substance that it disapproves such guarantees.

(4) During the fiscal year beginning on July 1, 1980, not to exceed the sum of—

(A) $325,000,000, and

(B) $1,000,000,000 reduced by the sum of (i) the principal amount of city indebtedness guaranteed under paragraphs (2)(A) and (3) and outstanding on the date on which the guarantees are made under this paragraph, and (ii) the amount, if any, covered by a resolution agreed to by the Senate or the House of Representatives pursuant to paragraph (3),

shall be available for the guarantee of city indebtedness maturing more than one year after its date of issuance, except that no guarantees may be made under this paragraph if prior to July 1, 1980, either the Senate or the House of Representatives agrees to a resolution stating in substance that it disapproves such guarantees.

(5) During the fiscal year beginning on July 1, 1981, not to exceed the sum of—

(A) $325,000,000, if the Secretary determines, in accordance with generally accepted accounting principles, that the city has presented a balanced budget, and

(B) $1,325,000,000 reduced by the sum of (i) the principal amount of city indebtedness guaranteed under paragraphs (2)(A), (3), and (4) and outstanding on the date on which the guarantees are made under this paragraph, and (ii) the sum of the amounts, if any, covered by resolutions agreed to by the Senate or the House of Representatives pursuant to paragraphs (3) and (4),

shall be available for the guarantee of city indebtedness maturing more than one year after its date of issuance.

(b) The Secretary may guarantee the payment of principal or interest, or both, on city indebtedness issued prior to January 1, 1979, and maturing prior to July 1, 1979, but only to the extent that the Secretary determines, after taking into account any commitments the employee pension funds of the city have made with respect to the purchase of city indebtedness maturing more than one year from its issuance, that the employee pension funds of the city are not able to provide sufficient amounts of seasonal financing as required under section 1523(4) of this title without being considered to have failed to meet the requirements of section 401(a) of title 26 (as such requirements apply to such pension funds) or being considered to have engaged in a prohibited transaction described in section 503(b) of title 26.

(Pub. L. 95-339, title I, § 104, Aug. 8, 1978, 92 Stat. 464.)

§ 1525. Remedies of Secretary

(a) Enforcement of rights

The Secretary shall take such action as may be appropriate to enforce any right accruing to the United States or any officer or agency thereof as a result of the issuance of guarantees under this subchapter. Any sums recovered pursuant to this section shall be paid into the general fund of the Treasury.

(b) Payment of amounts; subrogation rights

The Secretary shall be entitled to recover from the borrower, or any other person liable therefor, the amount of any payment made pursuant to any guarantee agreement entered into under this subchapter, and upon making any such payment, the Secretary shall be subrogated to all the rights of the recipient thereof.

(c) Withholding of payments by United States

Notwithstanding any other provision of law, the Secretary shall provide for the withholding of any payment from the United States to the city or State which may be or may become due pursuant to any law and offset the amount of such withheld payment against any claim the Secretary may have against the city or State pursuant to this subchapter.

(d) Cumulative nature of remedies

The remedies prescribed in this subchapter shall be cumulative and not in limitation of or substitution for any other remedies available to the Secretary or the United States.

(e) Definition; waiver of priority rights of United States

With respect to any debt of the United States arising under this subchapter, for the purposes of section 191 of this title, the term "person" includes the city and any financing agent. Notwithstanding the provisions of such section, the Secretary is authorized to waive, wholly or partially, the priority for the United States established thereunder with respect to any indebtedness of the city or the financing agent issued after August 8, 1978 (other than any indebtedness the proceeds of which are applied to the repayment prior to the stated maturity thereof of indebtedness outstanding on or before August 8, 1978, owed to the lender of such proceeds) if, in his judgment such waiver is necessary to facilitate the ability of the city to meet its financing needs. No waiver under the preceding sentence shall by its terms subordinate the claims of the United States to those of any creditor of the city or any financing agent.

(f) Maintenance of civil action; jurisdiction

The Secretary may bring a civil action in any United States district court or any other appro-

priate court to enforce compliance with the provisions of this subchapter, any agreement related thereto, or any provision of State law related thereto, by the city, the State, the financing agent, the independent fiscal monitor, or any official of any of the foregoing, or any other party to any such agreement, and such court shall have jurisdiction to enforce such compliance and enter such orders as may be appropriate.

(Pub. L. 95-339, title I, § 105, Aug. 8, 1978, 92 Stat. 465.)

§ 1526. Inspection of documents

At any time a request for a guarantee is pending or indebtedness guaranteed under this subchapter is outstanding, the Secretary is authorized to inspect and copy all accounts, books, records, memorandums, correspondence, and other documents of the city or any financing agent relating to the city's financial affairs.

(Pub. L. 95-339, title I, § 106, Aug. 8, 1978, 92 Stat. 466.)

§ 1527. Audits by General Accounting Office; prerequisite to guarantee; report to Congress

The General Accounting Office is authorized to make such audits as may be deemed appropriate by the Comptroller General of all accounts, books, records, and transactions of the city and any financing agent. No guarantee may be made under this subchapter unless and until the city and any financing agent agree, in writing, to allow the General Accounting Office to make such audits. The General Accounting Office shall report the results of any such audit to the Congress.

(Pub. L. 95-339, title I, § 107, Aug. 8, 1978, 92 Stat. 466.)

§ 1528. Reports to Congress

Within three months after August 8, 1978, and at six-month intervals until June 30, 1982, and thereafter at twelve-month intervals, the Secretary shall transmit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a report containing a detailed statement of his activities under this subchapter.

(Pub. L. 95-339, title I, § 108, Aug. 8, 1978, 92 Stat. 466.)

§ 1529. Severability of provisions

If any provision of this subchapter is held to be invalid, or the application of such provision to any person or circumstance, is held to be invalid by a court of competent jurisdiction, the remainder of this subchapter, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

(Pub. L. 95-339, title I, § 109, Aug. 8, 1978, 92 Stat. 466.)

§ 1530. Termination of authority

The authority of the Secretary to make guarantees under this subchapter terminates on June 30, 1982. Such termination does not affect the carrying out of any contract, guarantee, or other obligation entered into pursuant to this subchapter, or the taking of any action necessary to preserve or protect the interests of the United States arising hereunder, except that no commitment to guarantee the payment of principal or interest on city indebtedness under this subchapter shall be effective after such date.

(Pub. L. 95-339, title I, § 110, Aug. 8, 1978, 92 Stat. 466.)

§ 1531. Authorization of appropriations; funding requirements

(a) There are authorized to be appropriated beginning October 1, 1978, and to remain available without fiscal year limitation, such sums as may be necessary to carry out this subchapter.

(b) Any other provision of this subchapter to the contrary notwithstanding, the authority of the Secretary to make any guarantee under this subchapter shall be limited to such extent or amounts as are provided in advance in appropriation Acts.

(Pub. L. 95-339, title I, § 111, Aug. 8, 1978, 92 Stat. 467.)

NEW YORK CITY LOAN GUARANTEES; LOANS IN DEFAULT

Pub. L. 95-415, Oct. 5, 1978, 92 Stat. 914, provided: "That the Secretary of the Treasury is authorized to guarantee the payment of principal and interest on loans in accordance with the provisions of the New York City Loan Guarantee Act of 1978 [this subchapter] in amounts not to exceed $1,650,000,000 in principal outstanding at any time, and there is hereby appropriated effective October 1, 1978, such amounts as may be necessary for payment of principal and interest on loans in default and guaranteed pursuant to the New York City Loan Guarantee Act of 1978, to remain available until September 30, 1998."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1521 of this title.

CHAPTER 28—PAYMENTS TO LOCAL GOVERNMENTS FOR ENTITLEMENT LANDS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 16 sections 79o, 715s; title 30 section 1232.

§ 1602. Amount of payments

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1601, 1604 of this title; title 16 section 79o.

§ 1603. Additional payments to counties

[*See main edition for text of* (a) *to* (d)]

(e) Eligibility of unit of local government in Alaska outside borough boundaries

Notwithstanding the provisions of subsection (c) of section 1606 of this title as it applies to the State of Alaska, for purposes of this sec-

tion, beginning in fiscal year 1979 a unit of local government in Alaska located outside the boundaries of an organized borough which acts as the collecting and distributing agency for real property taxes shall be eligible to receive payments under the foregoing provisions of this section.

(As amended Pub. L. 95-469, § 3(3), Oct. 17, 1978, 92 Stat. 1322.)

AMENDMENTS

1978—Subsec. (e). Pub. L. 95-469 added subsec. (e).

EFFECTIVE DATE OF 1978 AMENDMENT; FISCAL YEAR OF AVAILABILITY OF APPROPRIATION

Amendment by Pub. L. 95-469 applicable with respect to payments made to counties under section 715s of Title 16 for fiscal year ending Sept. 30, 1979, and fiscal years thereafter, and restriction on availability of authorization for appropriation before fiscal year ending Sept. 30, 1980, see section 2 of Pub. L. 95-469, set out as a note under section 715s of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 79o.

§ 1604. Provisions of law referred to in section 1602

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1602 of this title; title 16 section 715s.

§ 1605. Eligibility

[*See main edition for text of* (a) *and* (b)]

(c) Nothing in this chapter shall authorize any payments to any unit of local government for any lands otherwise entitled to receive payments pursuant to subsection (a) of section 1606 of this title if such lands were owned and/or administered by a State or unit of local government and exempt from payment of real estate taxes at the time title to such lands is conveyed to the United States, except that, beginning in fiscal year 1979, this subsection shall cease to be applicable to payments for any land which is or was acquired by a State or unit of local government from private parties for the purpose of donation of such land to the Federal Government and which is or was so donated within eight years of the date of acquisition thereof by the State or unit of local government.

(As amended Pub. L. 95-469, § 3(2), Oct. 17, 1978, 92 Stat. 1321.)

AMENDMENTS

1978—Subsec. (c). Pub. L. 95-469 added subsec. (c).

EFFECTIVE DATE OF 1978 AMENDMENT; FISCAL YEAR OF AVAILABILITY OF APPROPRIATION

Amendment by Pub. L. 95-469 applicable with respect to payments made to counties under section 715s of Title 16 for fiscal year ending Sept. 30, 1979, and fiscal years thereafter, and restriction on availability of authorization for appropriation before fiscal year ending Sept. 30, 1980, see section 2 of Pub. L. 95-469, set out as a note under section 715s of Title 16, Conservation.

§ 1606. Definitions

As used in this chapter, the term—

(a) "entitlement lands" means lands owned by the United States that are—

[*See main edition for text of* (1) *to* (3)]

(4) effective October 1, 1978, lands on which are located semi-active or inactive installations, not including industrial installations, retained by the Army for mobilization purposes and for support of reserve component training; or

[*See main edition for text of* (5); (b) *and* (c)]

(As amended Pub. L. 95-469, § 3(1), Oct. 17, 1978, 92 Stat. 1321.)

AMENDMENTS

1978—Subsec. (a)(4). Pub. L. 95-469 added cl. (4) and deleted prior cl. (4) which stated that nothing in the section shall authorize payments to any unit of local government for lands otherwise entitled to receive payments if such lands were owned and/or administered by a State or local unit of government and exempt from payment of real estate taxes at the time title to the lands was conveyed to the United States, now covered in section 1605(c) of this title.

EFFECTIVE DATE OF 1978 AMENDMENT; FISCAL YEAR OF AVAILABILITY OF APPROPRIATION

Amendment by Pub. L. 95-469 applicable with respect to payments made to counties under section 715s of Title 16 for fiscal year ending Sept. 30, 1979, and fiscal years thereafter, and restriction on availability of authorization for appropriation before fiscal year ending Sept. 30, 1980, see section 2 of Pub. L. 95-469, set out as a note under section 715s of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1603, 1605 of this title; title 16 section 715s.

CHAPTER 29—FEDERAL PROGRAM INFORMATION [NEW]

Sec.
1701. Definitions.
1702. Identification and dissemination of information respecting Federal domestic assistance programs by Director of Office of Management and Budget.
1703. Federal Assistance Information Data Base; preparation, maintenance, and contents; informational sources.
1704. Computerized program information system.
(a) Establishment and maintenance to provide access to data base.
(b) Availability of information in data base through computer terminals.
(c) Computer time-sharing service contracts with private organizations.
(d) Availability of information at reasonable prices.
(e) Information services for assistance of State and local government officials.
1705. Catalog of Federal Domestic Assistance Programs.
(a) Annual preparation and publication.
(b) Preparation and publication of supplements.
(c) Preparation and publication of specialized compilations.
(d) Contents and form.
(e) Availability to public at reasonable prices; free distribution to Members of Congress, etc.

Sec.
1706. Transfer to Office of Management and Budget by Director of Federal Assistance Programs Retrieval System personnel and documents in Department of Agriculture.
1707. Authorization of appropriations.

§ 1701. Definitions

For the purpose of this chapter, the term—

(1) "assistance" refers to the transfer of money, property, services, or anything of value; the principal purpose of which is to accomplish a public purpose of support or stimulation authorized by Federal statute. Assistance includes, but is not limited to, grants, loans, loan guarantees, scholarships, mortgage loans, insurance or other types of financial assistance; provision or donation of Federal facilities, goods, services, property, technical assistance, and counseling, statistical and other expert information, and service activities of regulatory agencies; but does not include provision of conventional public information services;

(2) "Federal agency" means an agency as defined by section 551(1) of title 5;

(3) "Federal domestic assistance program" means any function of a Federal agency which provides assistance or benefits for a State or States, territorial possession, county, city, other political subdivision, grouping, or instrumentality thereof; any domestic profit or nonprofit corporation, institution, or individual, other than an agency of the Federal Government; and

(4) "administering office" means the lowest subdivision of any Federal agency that has direct operational responsibility for managing a Federal domestic assistance program.

(Pub. L. 95–220, § 2, Dec. 28, 1977, 91 Stat. 1615.)

SHORT TITLE

Section 1 of Pub. L. 95–220 provided: "That this Act [enacting this chapter and provision set out as a note below] may be cited as the 'Federal Program Information Act'."

FEDERAL INFORMATION SYSTEMS STUDY BY DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET; REPORT TO CONGRESS

Section 9 of Pub. L. 95–220, which provided that the Director of the Office of Management and Budget conduct a study of existing Federal information systems that provide fiscal, budgetary, and program-related data, statistics, and information on grant awards and report to Congress, within one year from Dec. 28, 1977, his recommendations for appropriate dissemination of Federal financial information, a summary of all executive branch actions taken within the year to consolidate, reorganize, and improve the existing financial information system, and his recommendations for statutory changes necessary to further develop and improve methods for the dissemination of Federal financial information, using modern communications technology, was omitted from the Code as executed.

§ 1702. Identification and dissemination of information respecting Federal domestic assistance programs by Director of Office of Management and Budget

The Director of the Office of Management and Budget (hereinafter referred to as the "Director") shall identify all existing Federal domestic assistance programs and provide information on each such program to the general public through electronic media as authorized under section 1704 of this title and through a printed catalog as authorized under section 1705 of this title.

(Pub. L. 95–220, § 3, Dec. 28, 1977, 91 Stat. 1615.)

§ 1703. Federal Assistance Information Data Base; preparation, maintenance, and contents; informational sources

(a) The Director shall prepare and maintain a Federal Assistance Information Data Base (hereinafter referred to in this chapter as the "data base"). For each Federal domestic assistance program the data base shall—

(1) identify each such program by title, by authorizing statute, by administering office, and by an identifying number assigned by the Director;

(2) describe the program, the objectives of the program, and the types of activities which have been funded under the program;

(3) describe the eligibility requirements, the formulas governing the distribution of funds, the types of assistance, the uses and restrictions on the use of assistance, and the obligations and duties of recipients under the program;

(4) provide financial information, including the amount of funds appropriated for the current fiscal year or, if unavailable, the amount of funds requested by the President, and the amounts obligated, and the average amounts of awards made in past years;

(5) identify information contacts including the administering office and regional and local offices and their addresses and telephone numbers;

(6) provide a general description of any application requirements and procedures and, to the extent practical, an estimate of the time required to process the application.

(b)(1) Each Federal agency shall furnish to the Director, at such times as the Director may determine, current information on all domestic assistance programs administered by such Federal agency.

(2) The Director shall on a regular basis incorporate into the data base all relevant information received under paragraph (1) of this subsection.

(Pub. L. 95–220, § 4, Dec. 28, 1977, 91 Stat. 1615.)

§ 1704. Computerized program information system

(a) Establishment and maintenance to provide access to data base

The Director shall establish and maintain a computerized information system to provide access to the data base.

(b) Availability of information in data base through computer terminals

The Director, to the greatest extent practicable, shall provide for the widespread availability of information contained in the data base, by computer terminals wherever available.

(c) Computer time-sharing service contracts with private organizations

The Director, notwithstanding any other provision of law to the contrary, when he determines the efficiency of the information system established pursuant to subsection (a) of this section requires it, may enter into contracts with private organizations to obtain computer time-sharing services including, but not limited to, computer telecommunications networks, computer software, and associated services.

(d) Availability of information at reasonable prices

The Director shall insure that the information available under this chapter is made available to the public at a reasonable price.

(e) Information services for assistance of State and local government officials

The Director may develop information services to further assist State and local government officials identify or obtain sources of Federal assistance.

(Pub. L. 95-220, § 5, Dec. 28, 1977, 91 Stat. 1616.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1702 of this title.

§ 1705. Catalog of Federal Domestic Assistance Programs

(a) Annual preparation and publication

The Director shall prepare and publish each year a catalog of Federal Domestic Assistance Programs (hereinafter referred to in this chapter as the "catalog").

(b) Preparation and publication of supplements

The Director shall prepare and publish supplements to the catalog as necessary.

(c) Preparation and publication of specialized compilations

The Director may prepare and publish specialized compilations of the information in the catalog by function as necessary.

(d) Contents and form

The catalog shall contain, in such form as the Director determines—

(1) all substantive information on Federal domestic assistance programs that is in the data base at the time that the catalog is prepared;

(2) any other information which the Director considers may be helpful to potential applicants or beneficiaries under such programs; and

(3) a detailed index.

(e) Availability to public at reasonable prices; free distribution to Members of Congress, etc.

(1) The Director shall make each catalog available to the public at a reasonable price.

(2) There are authorized to be distributed, without cost, catalogs to Members of Congress, Delegates, Resident Commissioners, agencies, State and general purpose units of local government, federally recognized Indian tribes, Federal deposit libraries, and other local repositories designated by the Director.

(Pub. L. 95-220, § 6, Dec. 28, 1977, 91 Stat. 1616.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1702 of this title.

§ 1706. Transfer to Office of Management and Budget by Director of Federal Assistance Programs Retrieval System personnel and documents in Department of Agriculture

The Director is authorized to transfer to the Office of Management and Budget all personnel, books, records, and other documents of the Department of Agriculture of any kind or description which he determines to be principally held or engaged in the operation and function of the Federal Assistance Programs Retrieval System (FAPRS).

(Pub. L. 95-220, § 7, Dec. 28, 1977, 91 Stat. 1617.)

§ 1707. Authorization of appropriations

There are authorized to be appropriated $900,000 for fiscal year 1978, $1,000,000 for fiscal year 1979, and $1,000,000 for fiscal year 1980.

(Pub. L. 95-220, § 8, Dec. 28, 1977, 91 Stat. 1617.)